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STATE OF MINNESOTA
COUNTY OF RAMSEY
- -
THE STATE OF MINNESOTA,
BY HUBERT H. HUMPHREY, III,
ITS ATTORNEY GENERAL,
and
BLUE CROSS AND BLUE SHEILD
OF MINNESOTA
Plaintiffs,
-vs- Case File No. C1-94-8565
PHILIP MORRIS INCORPORATED,
R.J. REYNOLDS TOBACCO COMPANY,
BROWN & WILLIAMSON TOBACCO CORPORATION,
B.A.T. INDUSTRIES P.L.C.,
BRITISH-AMERICAN TOBACCO COMPANY LIMITED,
BAT (U.K. & EXPORT) LIMITED,
LORILLARD TOBACCO COMPANY,
THE AMERICAN TOBACCO COMPANY,
LIGGETT GROUP, INC.,
THE COUNCIL FOR TOBACCO RESEARCH - U.S.A.,
INC., AND THE TOBACCO INSTITUTE, INC.
Defendants
- -

DEPOSITION OF WILLIAM CAMPBELL

STIREWALT & ASSOCIATES
P.O. BOX 18188, MINNEAPOLIS, MN 55418
1-800-553-1953

C O N F I D E N T I A L

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(The following is the deposition of WILLIAM CAMPBELL, taken pursuant to Notice of Taking Deposition, at the offices of Dorsey & Whitney, 250 Park Avenue, 16th Floor, New York, New York, commencing at approximately 10:00 o'clock a.m., September 11th, 1997.)

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19103-2793
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P R O C E E D I N G S
(Witness sworn.)

CROSS EXAMINATION
BY MR. SILBERFELD:
Q. Would you state your full name for the record, please.
A. My name is William Ian Campbell
Q. Mr. Campbell, you understand that we are here today to take your testimony in connection with the State of Minnesota case against the tobacco industry?
A. I believe that to be correct, yes.
Q. And you understand that even though we are gathered in fairly informal surroundings here in this conference room, that the testimony you give has the same force and effect as if you were testifying in a court of law?
A. I understand that.
Q. And that the oath you have just taken is the same oath you would take if it were administered in a court of law by a judge or a clerk.
You understand that, sir?
A. Yes, I understand.
Q. Thank you. By whom are you

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presently employed?
A. I'm employed by Citicorp, or more commonly known as Citibank.
Q. And how long have you been with Citibank or Citicorp?
A. About a year and a half on a

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full-time basis. I was there as a consultant for some time before that.

Q. And prior to that time, by whom were you employed?

A. I was employed by -- immediately prior to that, I did some tenure as a college professor at the University of Richmond.

Q. How long were you there?

A. One -- one academic year, two semesters.

Q. What did you teach?

A. I taught business.

Q. And prior to that time, by whom were you employed, sir?

A. I was employed by Philip Morris.

Q. I'm sure you had different positions over the years.

What's the total number of years you were employed by Philip Morris?

A. Almost -- about 28 years.

Q. What was the last position you had with the company before leaving?

A. The last position was chairman and nonexecutive officer of Philip Morris USA.

Q. Chairman and --

A. Nonexecutive officer. I was not active as an executive at that time -- as the chief executive.

Q. At some time before that, were you the chairman and chief executive officer?

A. Prior to that, I was president and chief executive officer.

Q. Let's put some years into this, if we could.

When were you the chairman and nonexecutive officer of Philip Morris?

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A. The latter part of 1994 through to the spring of 1995.
Q. And was it in 1995 that you left Philip Morris?
A. Yes, it was.
Q. Then you went to the University of Richmond for a year?
A. Yes.

Q. And since then, you have been with City?
A. Yes, correct.
MR. NUNLEY: Mr. Campbell, if you would, let Mr. Silberfeld complete his question before you answer, and the transcript will come out better.
THE WITNESS: Thank you.
Q. You'll have a tendency to know where my questions are going, but if you would just pause for a second, it will make it come out better.
A. All right.
Q. You did it already. How many years were you the president and CEO of Philip Morris?
A. I was president and CEO from the fall of 1990 to the fall of 1994.
Q. And you were president and chief executive officer at that time of the domestic tobacco business of Philip Morris Companies?
A. That would be correct, called Philip Morris USA.
Q. And as the president and chief executive officer, what were your duties and

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responsibilities with respect to the domestic tobacco business?
A. My responsibilities were to guide the overall institutions, take, you know -- give broad level of strategic direction and provide leadership to other areas of business.
Q. In the period that you were president and chief executive officer, how many total employees did Philip Morris have?
MR. NUNLEY: Philip Morris -- the tobacco business.
MR. SILBERFELD: USA,
MR. NUNLEY: Thank you.
A. Somewhere between fifteen and twenty thousand. I can't recall exactly.
Q. And was there in an organizational sense, Mr. Campbell, a series of groups or individuals that reported to one another, and then ultimately, people reported to you as the president?
A. That would be correct.
Q. How many people reported directly to you?
A. I can't recall exactly -- in the neighborhood of eight to ten.

Q. And would that be across various departments or functions of the business?
A. Yes.
Q. Did anybody with respect to research and development report to the president?
MR. NUNLEY: Objection as to form.
A. There was a -- a group called research and development that reported -- that reported through to me, yes.

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Q. And who was the head of that in the period 1990 to 1994 when you were president?
A. I believe throughout, Dr. Kenneth Houghton, but it might have been somebody else at the very beginning when I arrived -- I think Dr. Houghton.
Q. At some point, did Dr. Ellis become involved in research and development activities?
MR. NUNLEY: Objection. During her tenure?
MR. SILBERFELD: Yes.
A. Dr. Ellis was on the staff of research development. I can't remember at which level or at which job.
Q. Did marketing report to you as president in the period 1990 to '94 in a direct

line?
A. There was a marketing department headed by a couple of executives at various times that reported to me, yes.
Q. Who was the head of marketing from '90 to '94, and if it was more than one person, give us both names, if you would.
A. There may have been three people. From memory, I think, Mr. Dangoor, I believe, when I arrived, maybe Mr. Wexler and Mr. Morgan.
Q. Is that James Morgan?
A. Yes.
Q. What was your position with Philip Morris before being president; that is, before 1990?
A. In a period approximately 1988 to 1990, I was in the strategic planning and mergers and acquisitions job for Philip Morris

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Companies.
Q. For the parent company?
A. Yes.
Q. And then before that, sir?
A. Immediately prior to that, 1983 to 1987, I was in charge of sales and marketing for Philip Morris USA.
Q. And prior to that time?

A. I had a series of positions responsible for Philip Morris' business in Asia.
Q. How many years were you responsible for operations in Asia?
A. 1976 to 1983.
Q. And before that?
A. I was in the Canadian subsidiary called Benson & Hedges Canada in a series of jobs in various businesses.
Q. For how many years?
A. 1967 to 1976.
Q. That takes us almost 20 years back.
Let's finish up. What happened before that?
A. I think you've got it all, 1967 to 1995.
Q. All right.
A. '67 -- I may have misspoken -- 1967 to 1976, I was in Canada.
Q. All right. You're here today represented by counsel?
A. Yes, I am.
Q. Who is that?
A. Mr. Nunley is a representative of

Philip Morris and is working with me here today, and Mr. Lankler is representing me personally

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today.
Q. So, you have counsel both from Philip Morris and personal counsel here today?
A. Yes, I do.
Q. Do you know who is paying for the time of your personal counsel to be here?
A. Yes.
Q. Who is that?
A. Philip Morris.
Q. Do you have any continuing relationship of any kind with Philip Morris Companies or Philip Morris, Inc.?
MR. NUNLEY: Objection as to form.
You can answer.
A. I have no formal duties or responsibilities of any type. I have an outstanding noncompete agreement.
Q. That essentially would prevent you from going to work for a competitor of Philip Morris; is that the idea?
A. That's correct.
Q. Do you have any consulting agreement of any kind with Philip Morris, Inc., or

Philip Morris Companies?
A. No, I don't.
Q. Do you have any understanding to cooperate with the company in respect to this litigation over cigarette products?
MR. NUNLEY: Objection as to form.
A. Not to my knowledge.
Q. Do you have any agreement, formal, informal or otherwise, to assist the company in the defense of its tobacco litigation?
A. Not that I know of.
Q. Are you being compensated in any way by Philip Morris for your appearance here today?

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A. No, I'm not.

Q. How did you first hear that this deposition or this testimony was going to be taken here today?

Did somebody tell you that, I assume?

MR. NUNLEY: I don't think that particularly is privileged, but this is an area that might involve attorney/client.

If one of your lawyers notified you, I think that's sufficient to tell him.

A. One of my lawyers notified me.

Q. Who?

A. I believe it was Mr. Lankler to my -- to -- to -- directly to me or my assistant.

Q. And when was that that you first heard that your testimony would be taken here today in this case?

A. From memory, early summer.

Q. And when you first heard about the fact that this deposition would take place, what, if anything, did you do to prepare yourself for the taking of the deposition?

A. When I first heard of it?

Q. From then until now.

A. Really, I have spent some time with legal counsel the last few days.

Q. In terms of broad categories of things you did other than spending time with counsel, did you do anything else to prepare yourself for giving testimony here today?

A. No.

Q. When was the first time that you met with counsel in preparation for

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your testimony
here today?
A. I had a very brief meeting just

before I went on vacation, and I came back from
vacation just 10 days ago or so and had some -- I
have had a couple of meetings since then.
Q. So, the first meeting was sometime
in August of 1997?
A. That would be correct.
Q. And how long did that meeting last?
A. Oh, just a very few minutes.
Q. And who was that with?
A. Mr. Lankler.
Q. When you returned from vacation, I
get the impression that there were a number of
meetings prior to today?
A. Two or three.
Q. When was the first one?
A. Last week -- late last week.
Q. And who was that with?
A. Mr. Nunley, Mr. Lankler and a
couple of other counselors from Arnold & Porter
and Davis Polk. That's about all I remember. I
don't remember all the names.
Q. How many people total other than
yourself were at the meeting?
A. There were various -- numbers at
various times ranging between two and four and

five.
Q. That first meeting that occurred
last week, how long did it last?
A. Few hours, two or three.
Q. And did you understand everybody

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who was in attendance at the meeting, in whole or in part, to be a lawyer representing Philip Morris?

MR. NUNLEY: Or Mr. Campbell.

MR. SILBERFELD: Or Mr. Campbell, yes.

A. I think so, although I didn't discuss any detail.

Q. In the course of that meeting, were you shown any documents?

A. I was shown some documents, yes.

Q. What were you shown?

MR. NUNLEY: Objection. I believe the documents he has been shown are covered by the attorney -- not the attorney work product -- excuse me -- the attorney work product privilege.

MR. SILBERFELD: Without agreeing with you, let me go on to some of the topics and cover this at a break.

MR. NUNLEY: I understand.

Q. Did the things that you looked at in this first meeting last week refresh your memory in any way about any of the events and circumstances surrounding Philip Morris and its tobacco operations?

A. Did some limited refreshment, but not comprehensive. I didn't spend that much time at it.

Q. What did you understand the purpose of looking at documents to be?

MR. NUNLEY: Objection to the extent that calls you to reveal discussions you had with counsel.

If you had an

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understanding
15 independent of your discussions with counsel, you
16 can answer the question.
17 THE WITNESS: I'm sorry, I need
18 some repetition.
19 MR. NUNLEY: If -- could we have
20 the question back, please?
21 (Record read.)
22 MR. NUNLEY: My instruction is, if
23 you have an understanding as to the purpose
24 independent of anything your lawyers told you as a
25 reason, you certainly can answer Mr. Silberfeld's

1 question, but if you -- don't in your answer
2 divulge information that was given to you by
3 counsel.
4 A. My understanding was that they were
5 to refresh my memory.
6 Q. Without disclosing, at least for
7 the moment, what the documents were, do you
8 remember the subject matter of any of the
9 documents that you looked at that assisted you in
10 refreshing your memory in any way?
11 A. I looked at my Congressional
12 testimony, and then --
13 MR. NUNLEY: I think the question
14 was, without disclosing what the documents were,
15 do you remember the subject matter -- any of the
16 subject matter?
17 A. Some -- some things like marketing
18 research documents, research paper, some -- a few
19 things from the research and development
20 department.
21 Q. Anything else that you can think of
22 in terms of categories of things that you looked

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1 marketing and marketing research documents.
2 Q. At the close of that first meeting
3 last week, were you asked to do anything, review
4 anything, read anything, look at anything
5 thereafter?
6 MR. NUNLEY: Could I ask -- could
7 you ask the question, did he do anything, as
8 opposed to was he asked to?
9 I think in the way you phrase it,
10 it calls for attorney/client communications, but
11 if you would like to ask him did he do anything --
12 MR. SILBERFELD: That's fine.
13 Q. Let me adopt counsel's amendment to
14 the question.
15 Did you do anything thereafter?
16 A. I looked at my testimony.
17 Q. Anything else?
18 A. Not to my recollection, no.
19 Q. Did you, for example, in addition
20 to looking at your testimony look at your written
21 statement that was submitted to the Congress of
22 the United States?
23 A. Yes.
24 Q. After that first meeting,
25 Mr. Campbell, was there another meeting?

1 A. Yes.
2 Q. In preparation for
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today?
A. Yes.
Q. And when was that?
A. I believe there was a meeting early Monday.
Q. Of this week?
A. Yes.
Q. Three days ago?
A. Yes.
Q. And who was present at that meeting?
A. Same combination of people ranging, again, from two to four or five.
Q. At either the meeting last week or the meeting this last Monday, were any nonlawyers from Philip Morris present, people from the company who were employees other than lawyers?
A. No.
Q. And at Monday's meeting, did you look at any documents that you hadn't seen before?
A. There may have been a few more, some.
Q. What subject matters were covered by the things you looked at on Monday?
A. Same categories, I'm -- my memory

is not good enough to remember exactly which was done on which day, but general category is the same.
Q. And did that help refresh your memory about the various topics that the documents covered?
A. In some cases, yes; other cases, no.
Q. With respect to the things that you were shown last week or Monday, if we could merge those two things for now, were there documents shown to you that you had not seen at the time that you testified before Congress?

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MR. NUNLEY: Objection as to form.
A. Certainly, there were documents that I had not -- that I did not recall and some that I had not seen.
Q. Which ones had you not seen, what topics?
A. Oh, in the same general topic areas?
Q. Yes, sir.
MR. NUNLEY: I think he meant that as his answer.
Q. All the topic areas, marketing research, research and development and a research paper?

A. I said research and development documents, marketing documents, marketing research documents was the original answer, and I don't know -- I don't recall whether there were some that I hadn't seen in all of those categories, but there were certainly some that I had not seen and some that I did not recall.
Q. And how long did this past Monday's meeting with counsel last?
A. Couple of hours.
Q. Two?
A. Yes.
Q. And after Monday's meeting, was there yet further meetings or a meeting prior to today?
A. There was a meeting on Tuesday afternoon.
Q. Same cast of characters?
MR. NUNLEY: Objection as to "characters." They are dull lawyers.
Q. Same dull lawyers?
A. There were, again, moving --

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24 approximately the same. I can't remember which --
25 which -- the lawyer that was at which meeting, but --

1 Q. I think that's the point. How long
2 did that meeting last?
3 A. With some interruptions for
4 banking, probably about three or four -- four
5 hours, something like that.
6 Q. "Banking," meaning your Citicorp --
7 A. Yes.
8 Q. Your real job?
9 A. My real job.
10 Q. In the course of Tuesday afternoon,
11 were you shown documents?
12 A. Yes.
13 Q. And did the documents shown to you
14 on Tuesday afternoon cover topics different than
15 the ones we have already spoken about?
16 A. I think there were some -- not new
17 topics, no.
18 Q. New documents, same topics?
19 A. I think there were some new
20 documents. I'm not sure of that. I'm not quite
21 sure we did see new topics.
22 Q. And after Tuesday and prior to
23 today, were there any other meetings to prepare
24 for the deposition?
25 A. No.

1 Q. Did you meet this morning --
2 A. No.
3 Q. -- before the deposition?
4 A. (Shaking head.)
5 Q. Of the things that you have looked
6 at, either in the meeting last week,

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Monday or
7 Tuesday of this week, did any of the documents
8 cover the topic of nicotine and whether it
9 produces a dependence or whether it is addictive?
10 A. I'm not sure. I don't recall in a
11 direct sense.
12 There's obviously -- in things like
13 the testimony, there's discussions of nicotine and
14 addiction, so I'm -- I can't recall there being
15 something separate from things like that.
16 Q. Putting the testimony aside, let me
17 ask you this: Of the things you looked at, were
18 they internal Philip Morris documents?
19 A. There were some internal Philip
20 Morris documents.
21 Q. And without divulging exactly what
22 it was that you looked at, tell me, other than the
23 testimony and the Philip Morris internal documents
24 that you looked at over the course of last week,
25 what other kinds of documents did you look at?

27

1 A. I think I'm back repeating myself.
2 They were documents related to research and
3 development work, research -- marketing research
4 work, marketing plan kinds of documents.
5 Those were the topic areas.
6 Q. Those were Philip Morris documents?
7 A. Some of them were, and I don't
8 recall whether any of them were outside or not.
9 Q. Some of them may have been from
10 outside the company; is that what you're saying?
11 A. I don't recall any, but

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there may
have been.
Q. How was it that Philip Morris decided that you would represent the company before the Congress of the United States in 1994?
MR. NUNLEY: Objection, foundation.
MR. SILBERFELD: If you know.
A. I'm uncertain. I don't -- there was never a meeting, per se, or, you know, an exchange of complete conversations, so I'm uncertain.
Q. Well, how was it that you first came to hear that someone from the company, whether it was you or somebody else, for that matter, was being asked to appear before the House

of Representatives Subcommittee?
A. I believe that Congressman Waxman addressed a letter to -- a letter to our chairman at the time, Mr. Michael Miles, requesting his testimony.
Q. And was it your understanding at the time that a similar letter had been sent to either the presidents, the chief executive officers or the chairmen of other tobacco firms, as well?
A. I learned of that, yes.
Q. And did you and Mr. Miles have a discussion as to who would appear on behalf of Philip Morris before the Congress?
A. I can't remember whether it was directly with Mr. Miles. I had other bosses, as well, so I can't remember whether it was directly with Mr. Miles.

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Q. Without regard to who it was for the moment, what was the substance of the conversation that you had concerning who would appear before Congress?
A. The substance was just, you know, "Would you be willing" and --
Q. They asked you that?

A. I believe so.
Q. Okay. And what did you say?
A. I said I would, and other people indicated they would, as well.
Q. Who was it that made the decision, if you know, that Mr. Campbell would be the one to appear before the Congress?
A. I don't know.
Q. Now, as I recall it, the date of your testimony was around the middle of April -- April 14th, I think, 1994; is that your recollection?
A. That's correct.
Q. And in relation to that date, Mr. Campbell, when was it that the letter from Congressman Waxman to your chairman at the time, Mr. Miles, came to Philip Morris?
A. I'm estimating -- it was not a long period; two to four weeks. I can't recall exactly.
Q. And how long was it after the letter arrived that the decision was made that you would appear on behalf of the company?
A. I don't recall.
Q. A matter of days?
A. Days or a week, in that

neighborhood.
Q. So, would it be fair to

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say that
you knew you were going to appear before Congress at least two to three weeks before the actual appearance?
A. I don't recall it as being quite that long -- a little bit less than that, but --
Q. Two weeks, say?
A. Yes, something like that.
Q. And the letter from Congressman Waxman to your chairman, did you ever see that letter?
A. I don't recall it.
Q. Did you have an understanding from what you were told as to what the purpose of your appearance would be?
MR. NUNLEY: Objection as to form.
A. The -- there had been controversy related to a television program with Dr. Kessler in the weeks immediately prior to that in that invitation, so I think I recall that that was probably what I thought was the reason.
Q. And that public controversy and whatever Dr. Kessler may have said, what topics having to do with tobacco products did that

controversy and Dr. Kessler's comments relate to?
MR. NUNLEY: Objection as to form.
A. The television program that I was referring to, ABC network, was about accusations of nicotine spiking. That was part of it.
Q. Uh-huh. And what were Dr. Kessler's remarks?
A. I believe Dr. Kessler's remarks were primarily in the area of nicotine

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and
addiction, but it may have been wider than that.
Q. So, is it fair to say that approximately two weeks before your actual appearance before Congress, you understood that the general subject matter of what you might be asked about or might talk about was nicotine in cigarettes, whether nicotine or cigarettes or both were addictive and related topics?
MR. NUNLEY: Objection, form.
A. The -- in a number of related products -- number of related topics, discussion about tobacco processing, tar and nicotine reduction methodologies, the whole area of tar and nicotine deliveries, so it was broad.
Q. Okay. I appreciate that amplification.

In addition to the topics of nicotine, whether it was addictive, processing, tar and nicotine reduction, tar and nicotine delivery, did you understand that you might be asked about whether or not smoking causes or may cause disease?
MR. NUNLEY: Objection as to form.
A. I don't recall specifically thinking that at the time, but it's possible, yes.
Q. From and after the time that you knew that you would be appearing before the Congress, what did you do to prepare yourself to give full and complete testimony before the Congress on these topics?
A. I -- there were some -- I had

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discussions with people, I looked at some -- you know, opinions, background material, et cetera, to get myself further acquainted.

Q. You said you had discussions with people.

Who did you have discussions with other than counsel?

A. With, you know -- generally, experts in the various fields, you know, someone knew something -- someone or group of people who knew something about tobacco processing, somebody who knew something about tobacco science, someone who knew something, you know -- things about our marketing practices, which I didn't mention earlier -- those general topics.

Q. Did you meet with department heads or seconds-in-command in various departments of the company?

A. Primarily, yes.

Q. Did you also meet with counsel in that two-week period before your appearance?

A. Counsel were in and out of meetings.

Q. All the meetings?

A. I don't recall.

Q. Do you remember the names of any of the individuals that you met with in preparation for your Congressional testimony?

A. Certainly, people like Dr. Houghton, Mr. Burnley, Dr. Ellis, probably someone like Mr. Morgan on the marketing side, and they would probably have bought -- brought the people from their department with them, but I can't remember those names.

Q. In preparing yourself to give

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testimony before the Congress, did you assemble

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these people, either individually or collectively and say to them, "Look, I need to know everything this company knows about these various topics?"

Did you say that, or words to that effect?

MR. NUNLEY: Objection as to form.

A. I couldn't recall saying something that sweeping, but, you know, I said, "This is obviously a serious thing and we should try to -- I want to do the best job I possibly can."

Q. And in doing the best job that you possibly can, you wanted to provide to the Congress full and complete information about what Philip Morris knew about the topics that we have talked about; true?

MR. NUNLEY: Objection as to form.

A. Full and complete in two weeks is, you know, a virtual impossibility, but I certainly worked hard and I thought I tried to talk to the right people and ask the right questions.

Q. The point of preparing yourself was to get at the truth of what Philip Morris knew about nicotine and addiction, for example; right?

MR. NUNLEY: Objection as to form.

A. I certainly wanted to do a good job

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with my testimony.

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Q. And a "good job" was defined as telling the truth, the whole truth and nothing but the truth, right?
A. I was sworn at the time of my testimony, and so I was certainly trying to do as good a job as I could.
Q. And as good a job as you could is complying with that oath; is that right?
A. That's right.
Q. And even if you hadn't been sworn, you would have done the same thing; true?
MR. NUNLEY: Objection as to form.
To what, tell the truth?
MR. SILBERFELD: Yes.
A. At my time at Philip Morris, I thought I was a responsible executive, so I always tried my best, yes.
Q. Over that two-week period prior to your testimony, give me your best estimate as to the total number of hours you spent in preparation for the testimony.
A. I certainly tried to maintain my full-time job, so I would be guessing. The difference -- the time between my full-time job and preparing, I would say that, you know -- something in the neighborhood of a third to a half, or something like that.
Q. And do you know --
MR. NUNLEY: I'm sorry, for the record, do you mean a third or half of your time in that two-week period that you spent doing this?
THE WITNESS: Yes, that's my approximation.
MR. SILBERFELD: That's

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fine.
Q. And other than the people you mentioned, Mr. Houghton, Burnley, Morgan and Dr. Ellis, do you recall anyone else that assisted you in preparing for your Congressional testimony?
A. I'm sure that other people from, you know -- certainly from my direct-report list and people below that. It's just hard to recall the names.
Q. Was there any sort of briefing book prepared for you or a set of materials that you read cover-to-cover?
A. As I recall, I think there were some materials, but I don't know -- I can't say I read them cover-to-cover. I don't know. I don't recall.

Q. Do you know if those materials that were prepared for you were also supplied to the Congressional Committee?
A. I have no such knowledge.
Q. Sorry?
A. I just don't know.
Q. All right. As you think back to your preparation for your testimony in that two-week period, Mr. Campbell, do you recall any particular documents or things that you reviewed or read in the course of your preparation?
MR. NUNLEY: Well, Mr. Silberfeld, I think that to the extent counsel assisted and prepared materials, those materials would be covered by the attorney/client privilege, so I think if he could exclude those type of materials,

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17 I don't have any problem with him answering.
18 MR. SILBERFELD: Well, let's
19 establish whether that's true or not.
20 Q. Mr. Campbell, you got some
21 materials in that two-week period before your
22 testimony; right?
23 A. Yes, some in material form, a lot
24 in verbal form, as well.
25 Q. Fine. We'll cover that, as well.

1 As to the written materials, do you
2 know whether, in whole or in part, those materials
3 were assembled by lawyers?
4 Just answer that one yes or no.
5 Don't tell me anything about it yet.
6 A. In whole or in --
7 Q. In whole or in part by lawyers,
8 because if that's true, counsel has a problem, and
9 we'll get to that.
10 A. I don't know.
11 Q. So, the materials may have been
12 prepared by counsel, in whole or in part, you just
13 don't know?
14 A. I think they must have been -- they
15 probably were prepared in part, but they couldn't
16 have been prepared in whole, because there were a
17 number of topic areas that, you know --
18 Q. When I say "prepared," I don't mean
19 written in the original sense by lawyers, I mean
20 gathered and put together and considered important
21 and significant for you to look at.
22 Do you know whether that function
23 was completed, in whole or in part, by lawyers?
24 A. That, I don't know.
25 Q. Okay. As you understand it, were

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lawyers involved in the process of getting you the materials in this two-week period prior to your Congressional testimony?

A. There were lawyers in and out and, you know, certain areas, they played, you know, larger roles than others.

I mean, for instance, there was things about FDA -- I'm sorry.

MR. NUNLEY: You can describe in general terms those areas, but don't be overly specific.

A. Okay. There were some things that, you know -- where experts came from areas outside, including outside lawyers.

Q. I guess, let me renew my question, then, in light of that.

Do you recall the substance of any of the background materials that you looked at in preparation for your Congressional testimony?

MR. NUNLEY: Let me just ask you this, Mr. Silberfeld: To the extent that he identifies anything that turns out to be work product privilege, can we have an agreement it's not waived by his identifying it?

MR. SILBERFELD: Yes. Go ahead.

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THE WITNESS: I'm lost. I will need the question again. I'm sorry.

Q. The question is: In the two-week period before your testimony, you've got a set of materials.

Do you recall the

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substance or are
you able to identify any of the materials you
looked at in that two-week period specifically?
A. Not specifically, no.
Q. Do you have a general sense of what
it is that you looked at in that two-week period?
A. It was always supported by
discussion, so I can't recall the difference
between discussion and document.
Q. Let's turn to the discussions.
Exclude for me discussions with counsel.
What were you told by Dr. Ellis,
for example, on the various topics that we have
outlined; nicotine, addiction, and so forth?
What did Dr. Ellis assist you with?
A. Do you want an example?
Q. Yes.
A. For instance, as she subsequently
testified -- she talked to me about the
pharmacological definition of "addiction," would

be an example.
Q. What did she tell you about that?
A. For example, she told me that --
that -- that nicotine didn't qualify under the
principal criteria for -- for the pharmacological
definition of "addiction."
Q. Why not?
A. I -- you know -- it's getting
harder to remember characteristics -- physical
dependence, intoxication -- physical dependence,
intoxication, and I believe "tolerance" is the
word. I'm not sure.
Q. So, using that example for just
another moment, Dr. Ellis advised you

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as to the
pharmacological definition of "addiction" in the course of this preparation time; is that right?
A. That would be an example.
Q. Yes. And then did you use that definition in the course of not only your preparation, but your testimony?
MR. NUNLEY: Objection as to form.
How do you mean, did he use it?
Did he repeat it or --
MR. SILBERFELD: Rely on it, apply it, repeat it.

A. I asked Dr. Ellis to give the testimony at the Congressional hearing.
Q. Prior to the time that you spoke to Dr. Ellis, did you have a sense about what the word "addiction" referred to, whether it was a lay sense or just some sort of common sense understanding?
Did you have one?
A. Yes, I had a common sense --
Q. Okay. And what was your common sense understanding of what "addiction" referred to?
A. It would -- it would refer to some kind of -- I would think of it in those kinds of terms, intoxication or dependence.
Q. Did Dr. Ellis tell you in the course of preparing you for testifying before Congress that the definition of "addiction" she was giving you was the one that was accepted by most of the major psychological and psychiatric organizations in this country?
Did she tell you that?
MR. NUNLEY: Objection as to form.

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included intoxication, did she give you any other aspects of either dependence or addiction in the course of preparing you to give your testimony?

MR. NUNLEY: I believe that he -- objection, mischaracterizes the prior testimony.

MR. SILBERFELD: You can answer, if you can.

A. I don't recall.

Q. You said you spoke to Mr. Morgan about topics to prepare yourself for the testimony.

Did you talk with Mr. Morgan about marketing issues?

A. I would think about marketing and sales issues, yes.

Q. Any other major topics that you spoke to him about?

A. Not to my recollection.

Q. I'm sorry?

A. Not to my recollection.

Q. And what about -- is it Dr. Houghton?

A. Dr. Houghton, yes.

Q. What did you speak to Dr. Houghton about?

MR. NUNLEY: Again, during the course of his preparation?

MR. SILBERFELD: In this two-week period before testifying; yes.

A. Things like tar and nicotine deliveries.

Q. Any other topics that you can think

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of?
A. Not right now.
Q. Did you specifically ask any of the individuals that you spoke to to prepare yourself for giving testimony to bring you specific documents that Philip Morris had about the topics that you were going to be asked about?

Did you specifically make that request?
A. I don't recall making specifically that request.
Q. Did you specifically ask them to bring you so that you could read and consider all documents that the company had, foreign and domestic, on the topics about which you were likely to be asked by the Congress?
A. I don't recall.
Q. Is there a reason you didn't ask

for that?
A. No, except -- other than time.
Q. What was the time problem?
A. Only two weeks would be impractical.
Q. Did you ask any of these people, Dr. Houghton, Burnley, Ellis, Morgan, to provide you with summaries of what their various departments knew and that Philip Morris knew about the topics that Congress was going to ask you about?
MR. NUNLEY: Objection, vague. Written, oral, either?
MR. SILBERFELD: Either one.
A. I don't recall that specifically.
Q. Did you ask them to conduct a

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search and then summarize that search for you,
either orally or in writing, as to what the
company knew about the various topics that you
believed the Congress would be asking you about?
A. I don't recall asking it that way.
Q. I'm sorry?
A. Maybe -- I -- I perhaps need the
question again.
Q. Sure. I would be happy to repeat
it.

Did you ask any of the individuals
who helped prepare you for your testimony to
conduct a search for documents as to what the
company knew about the topics that you would be
asked about and to summarize the results of that
search for you, either orally or in writing?
Did you ask them to do that?
A. I don't recall asking it in that
way.
Q. Well, then, tell me what you asked
them to do.
A. I recall specific requests, but I
can't recall the generalized nature that you just
asked for.
Q. What specific request did you make?
A. For instance, I remember asking for
the 1988 Surgeon General's report.
Q. That's a publicly available
document; right?
A. It's just an example I could think
of.
Q. Anything else that you can think of
that you specifically asked for?
MR. NUNLEY: Objection

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as to form.
25 In the way of a document?

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1 MR. SILBERFELD: Yes.
2 A. I asked for the communication
3 from -- to a Dr. DeNoble from our personnel
4 attorney.
5 Q. Which particular communication did
6 you have in mind?
7 A. Related to a question about
8 publication of his work.
9 Q. Any other specific example that you
10 can think of at this time of a document that you
11 asked for?
12 A. I can't recall right now.
13 Q. Was it your goal, Mr. Campbell, in
14 that two-week period to get as full and complete
15 an understanding as you could about what Philip
16 Morris knew about the topics that you were going
17 to be asked about by the Congress?
18 A. As full and complete as practical,
19 yes.
20 Q. And you believe you did that? You
21 believe you accomplished that goal?
22 A. I'm not sure. I tried.
23 Q. When you say you're not sure, what
24 do you mean?
25 A. It's a very large goal, and it

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1 would be hard to measure whether you achieved it
2 or not.
3 Q. When you met with the various
4 individuals in this two-week period before you
5 testified, did you ask them to assure

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themselves
and, in turn, to assure you that a full study had been done by their various departments, however many of the fifteen or twenty thousand people worked for them, to satisfy you that you knew whatever the company knew about the topics?
MR. NUNLEY: Object. Objection as to form, compound.
MR. SILBERFELD: Go ahead.
A. I don't know that they asked the question. I can't recall whether I asked the question that way.
Q. Was it your impression in dealing with these people in the two weeks before your testimony that they somehow understood what they were supposed to do to prepare you, other than what you might have said to them directly?
MR. NUNLEY: Objection.
A. They certainly worked hard. That, I can remember.
Q. Did they receive any direction from

people other than you as to what they were supposed to do to help prepare you for this testimony?
MR. NUNLEY: Objection, foundation.
A. No.
Q. Do you know whether they received any instructions from any other executives in the company, such as your chairman, for example --
A. I don't know.
Q. -- or from lawyers?
A. I don't know.
Q. There is a written statement attributed to you which I would like to

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have
marked as next in order. It is a multipage
document dated April 14th, 1984, bears Bates
number 2023861873 through 1883.
(Plaintiffs' Exhibit 2000 was
marked for identification.)
MR. SILBERFELD: Let's go off the
record one second.
(Brief recess.)
Q. Mr. Campbell, we have had marked as
Exhibit 2000 a document entitled "Testimony of
William I. Campbell, President & Chief Executive

Officer, Philip Morris, USA."
It's about ten pages or so. Have
you seen this document before, sir?
A. Yes, I have.
Q. And does this represent your
written statement that was submitted to The
Subcommittee on Health and the Environment --
that's Congressman Waxman's committee, before whom
you testified?
A. I haven't seen it for a long time,
but I believe it to be so.
Q. All right. Who prepared Exhibit
2000?
A. It was a collective work of many of
the people that I discussed earlier.
Q. Were you part of the preparation of
the document?
A. At various times, I -- you know,
yes.
Q. Would you say that you had a
principal role in preparing this document?
A. Yes.
Q. Who else had a principal role in
the preparation of the document, other than you?

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1 parts, you know, with people working on various
2 parts, so it was more a collective effort.
3 Q. All right. Did any lawyer, either
4 inside Philip Morris or part of Philip Morris'
5 outside counsel, assist in the preparation of your
6 testimony that is Exhibit 2000?
7 A. I don't know.
8 Q. Well, who did you work with
9 directly in terms of the preparation of this
10 document?
11 A. All of the people that I have
12 mentioned up to this point in time, perhaps
13 Mr. Perish.
14 Q. He is a lawyer?
15 A. Mr. Perish is trained as a lawyer.
16 At this time, he was in a -- he was in another job
17 and a corporate affairs director of our company.
18 Q. Anyone else other than the people
19 we have talked about and Mr. Perish?
20 A. There were other people, yes, you
21 know. I just can't identify them at this time.
22 Q. Give me your best estimate as to
23 the total number of people that participated in
24 the creation of your testimony that is Exhibit
25 2000.

1 A. High single-digits, low
2 double-digits, eight to fifteen.
3 Q. Fair enough. The statement is
4 separated into parts, and perhaps by reference to

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those parts, you could tell me who assisted in the preparation of the parts.

The first one which appears at page 3 of the document is under the heading "Philip Morris Does not Add Nicotine to Our Cigarettes."

Do you see that, sir?

A. Yes.

MR. NUNLEY: Just for the record, ours isn't numbered. I don't know if yours is numbered or not.

MR. SILBERFELD: Well, the witness' is -- not the pages, but you can count to three, I hope.

MR. NUNLEY: I can do that. I'll be happy to do it. I just wanted to let you know there wasn't a number on here, if it makes a difference to you.

MR. SILBERFELD: Thank you.

Q. The heading there, "Philip Morris Does Not Add Nicotine to our Cigarettes," who was a principal author of that, in addition to you?

A. Participants in that would be, for instance, Dr. Houghton, Mr. Burnley, probably other people from manufacturing, but I can't recall.

Q. The second category, which is about two or three pages later, says "Philip Morris Does Not," quote, "Manipulate," close quote, "Nor Independently Control," in quotes, "The Level of Nicotine."

Do you see that, sir?

A. Uh-huh.

Q. Yes?

A. Yes. I'm sorry.

Q. And who participated in

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the
preparation of that section of the statement?
A. Mr. Burnley, maybe Mr. Houghton and then, you know, people working for them.
Q. The third category on the next page, which talks about the use of patented processes -- do you see that, sir?
A. Yes.
Q. Who participated in the preparation of that section?
A. Dr. Houghton, probably a patent attorney.

Q. Anyone else that you can think of?
A. No.
Q. All right. The fourth section, two pages later, which is titled "Cigarette Smoking is Not Addictive," who assisted in the preparation of that section?
A. Dr. Ellis, Dr. Houghton -- I don't know who else would be supportive of them.
Q. All right. Bottom of the page, the next section, "Philip Morris Research Does Not Establish that Smoking is Addictive," who assisted in the preparation of that section?
A. Dr. Ellis, Dr. Houghton, probably, and there would have been other people going through abstracts and documents, but I don't know who they would be.
Q. The next section which deals with consumers not being misled by the published nicotine deliveries as measured by the FTC method. Who assisted in the preparation of that?
A. Certainly, Dr. Houghton

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and
23 perhaps -- and he must have had support staff in
24 Richmond. I don't know.
25 Q. At the time that this work was done

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1 in 1994, what was Mr. Burnley's position with the
2 company?
3 A. I don't know what his title was
4 anymore, but he was in charge of manufacturing
5 process development.
6 Q. In Richmond?
7 A. Yes.
8 Q. How long had he been in that
9 position?
10 A. Excuse me.
11 Q. Go ahead.
12 A. Mr. Burnley is a veteran of the
13 company, but I don't know how long he had been in
14 that position.
15 Q. All right. Now, with respect to
16 Exhibit 2000 -- and we'll talk about it in some
17 greater detail in a little while -- did you expect
18 that this submission would be a public document,
19 publicly available?
20 A. The Congress is a public body, so,
21 yes.
22 Q. Okay. And with respect to Exhibit
23 2000, you had no expectation, did you, that this
24 document would remain private or privileged in any
25 way; is that right?

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1 MR. NUNLEY: Objection to the
2 foundation, but --
3 A. I -- "private," I understand.
4 "Privileged" is what lawyers say to

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each other.
Q. They sometimes say it to clients,
too.
A. The -- I expected this -- you know, entering the Congress of the United States with a document that I would hand out would be public.
Q. And with respect to your appearance before the committee, you expected, did you not, that the proceedings there and all that you said would be publicly available?
A. I did not know that -- publicly available, yes.
Q. What is it that you didn't know?
A. I didn't know that, you know -- that the -- exactly what would happen when I went there.
Q. But you had no preview as to what the exact questions were, of course; is that what you meant?
A. No, just in general, the environment, I had no idea.
Q. But you expected that whatever

would take place would be taking place in a public setting?
A. The Congress of the United States is -- is -- is -- is generally public. I don't know about whether -- I guess they can have committee meetings in private. I expected this would be a public meeting.
Q. And did you expect that there would be press coverage of this particular occasion --
MR. NUNLEY: Objection as to form.
A. I don't recall.
Q. -- or that there would be some

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media coverage of some kind of the appearance of the seven CEOs?
MR. NUNLEY: Same objection.
A. I don't recall.
Q. Did Philip Morris issue any public statements or press releases in connection with your appearance before the committee?
MR. NUNLEY: Objection, vague.
A. I can't recall.
Q. Did you conduct or give any interviews, either immediately before or immediately following your appearance before the committee?

A. I don't think so.
Q. Do you know if your public information officer, if you have a person by that title, provided any data or information to the news media in or around your appearance before the committee?
A. I don't recall.
MR. SILBERFELD: Okay. Why don't we take five.
MR. NUNLEY: Sure.
(Brief recess.)
Q. Mr. Campbell, what was your purpose in writing, along with the help of others, Exhibit 2000?
A. I think that the purpose of the documents is reasonably clear in its third paragraph, and then it says that, "Interested in separating the facts and the rhetoric regarding issues raised a few weeks ago, Commissioner Kessler's presentation."
Q. In preparing Exhibit 2000, was it your intent to present all of the facts on the

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various topics that are outlined after page 1?
MR. NUNLEY: Objection as to form.
A. "All" is probably not a reasonable

expectation.
Q. What isn't?
A. I think that it says that the purpose was to -- to indicate our point of view -- Philip Morris' point of view on the issues raised by Dr. Kessler.
Q. So, this was intended as Philip Morris' opinion about the issues raised by Kessler or a response to Kessler?
MR. NUNLEY: Objection as to form and foundation.
THE WITNESS: Would you ask the question again? I'm sorry.
Q. Sure. Was Exhibit 2000 intended to be an expression of Philip Morris' opinion about the topics contained therein in terms of being a response to Commissioner Kessler?
MR. NUNLEY: Same objections.
A. The word "opinion" is difficult to -- to define. I would say that it was our response, our point of view.
Q. Jumping forward for a few moments past the actual day of your testimony, do you recall that in the course of the testimony, you were asked by Congressman Waxman and others to

provide certain information to the committee?
A. Yes, I recall.

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Q. One of the things you were asked to provide was whatever Philip Morris knew and whatever documents it had relative to the topic of nicotine and whether it had addictive properties.

Do you recall that general topic?

A. I recall the general topic.

Q. Okay. Was that done?

MR. NUNLEY: Mr. Silberfeld, you skipped from a request to a topic.

Are you asking about that general topic being discussed, or are you still asking about the request?

MR. SILBERFELD: The request for information. One of the requests was for information on the topic of nicotine and addiction. You recall that, do you not?

A. There were a number of requests, I believe. That was one of them.

Q. Right. I want to run through all of them with you.

The first one was a request for information about what Philip Morris knew about nicotine and addiction.

You remembered the request being made?

A. Yes.

Q. Was that request complied with by Philip Morris?

A. I don't know.

Q. Did you instruct anyone at any time to comply with that request?

A. I certainly knew there was -- there were open requests and that they should be complied with -- there were open requests, but I

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don't know what happened after that.
Q. So, as far as you know, sitting here today, perhaps that information was provided, perhaps it wasn't.
You don't know one way or the other; is that right?
A. Well, the file for my -- for the Congressional session was left open for a long time, and I lost -- as I told you earlier, that was towards the end of that year, I stopped functioning as the chief executive, and so I don't know what happened from that point onward.
Q. As I understand it, your duties changed in late '94?

A. That's correct.
Q. And you became chairman and nonoperating officer?
A. Non--
Q. Nonexecutive officer, sorry.
A. Yeah.
Q. But from April 14th until the fall of 1994, you remained as president and chief executive officer; true?
A. That's correct.
Q. And when Congressman Waxman and perhaps others requested that you provide information to the committee, did you consider it to be your personal responsibility to see that that was done?
MR. NUNLEY: Objection as to form. I'm not familiar enough with the request to know, are you representing that the request was made that Mr. Campbell personally --
MR. SILBERFELD: Sure. Well, let's talk about them.

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MR. NUNLEY: All right.
MR. SILBERFELD: We have -- we may as well mark this now. Let me mark as next in order -- this one is yours.

MR. NUNLEY: Thank you.
MR. SILBERFELD: Let me mark as next in order a multipage document that I'll represent to you is a true and correct, but different version of the hearing transcript before the Waxman Committee, and the only reason for using this one is, it's paginated and we can follow along.
This one is Bates numbers ATX03 0277064, through and including ATX03 0277218.
(Plaintiffs' Exhibit 2001 was marked for identification.)
Q. Let me refer you first if I may, Mr. Campbell, to page 51 of the document, and the numbers that I am using are not the Bates numbers at the very bottom, but near the bottom of the page, there are some page numbers.
Can you turn to 51, please.
Do you see in the middle of the page the part of the transcript where Congressman Waxman says, "Let me ask it this way: I want from you any research data you have showing it's not addictive, and I also want any research data from you that shows it is addictive. Will you agree to

submit that?"

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And your answer is: "I see no problem with supplying the material. We'll get the appropriate people together from our side with the appropriate people from your side and see how it can be handed over."

Do you see that, sir?

A. Yes, I do.

Q. My question to you is, with respect to that information about nicotine and addiction that is in the possession of Philip Morris, did you regard the request as being directed to you in the first instance?

MR. NUNLEY: Again, for this record, "you," being Mr. Campbell?

MR. SILBERFELD: Mr. Campbell.

MR. NUNLEY: As opposed to the company.

A. As it says, I volunteered to put the appropriate people together with their appropriate people in order to accomplish that.

Q. And did you consider it your responsibility as president and CEO over the company to see to it that the information that the Congress committee asked for was provided to them?

MR. NUNLEY: Objection as to form.

A. I followed through the subsequent months exchanges back and forth, which was my responsibility at the time, but I -- I -- I don't know what happened after that. The discussions were not complete when I left my responsibilities.

Q. So, the providing of this information took more than six months,

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because it
was incomplete when your duties changed; is that what you're saying?
A. I don't know what transpired in detail. I don't recall what transpired in detail, because the two staffs were talking to each other, and I don't know whether -- whether some -- you know, whether it was partially completed or all completed. It had -- as far as I know.
Q. Well, in the six months after your testimony while you remained president and CEO, did any information within the possession of Philip Morris on the topic of nicotine and addiction go to the Congressional Committee --
MR. NUNLEY: Objection.
MR. SILBERFELD: -- as part of this request?
MR. NUNLEY: Excuse me. Objection,

foundation.
A. I don't recall.
Q. Who would know the answer to that question, sir?
A. Perhaps Mr. Morgan. I don't know.
Q. Why do you pick him as being someone who might know?
A. He, you know, took my responsibilities.
Q. So, he followed you as president and CEO; is that what you're saying?
A. Correct.
Q. When you agreed to "get the appropriate people together from our side," who were you referring to?
A. I suspect a -- people that could supply the information. That would be people probably from, you know, inside the

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company.
Q. Well, did you have anybody particular in mind who you were going to assign this task to or help complete this task?
A. Well, this would be a -- I believe a joint responsibility between the people that would know something and, in turn, whatever document procedures we had, because there were a

number of requests for our documents at this time.
Q. In the six months following your testimony before your duties changed, did you communicate the request for information that Congressman Waxman made to any lawyer, either within the company or outside the company, and ask that person to review the request?
MR. NUNLEY: Well, I think that's very close to calling for attorney/client communications, Mr. Silberfeld. I don't know if you had that in mind when you asked it.

Do you agree?
MR. SILBERFELD: I think it calls for a yes or no. If he says yes, that's a different matter. If he says no, it's not a problem.
A. I don't recall.
MR. SILBERFELD: There's a third possibility.
Q. What did you do yourself in the six months after your testimony before your duties changed to comply with this particular request?
A. I recall asking occasionally of -- in meetings whether the -- the

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documents were
25 progressing, and they said there was discussions

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1 going on. That's all I can recall.
2 Q. How many meetings did you have over
3 the course of the ensuing six months after your
4 testimony on the topic of providing further
5 documents or information to the Congress?
6 A. I don't know -- a few.
7 Q. Two, five, ten?
8 A. More than one, less than ten.
9 Q. Was Dr. Ellis one of the people who
10 was designated as an appropriate person to help
11 gather the materials that the Congress had asked
12 for?
13 MR. NUNLEY: Objection. It
14 mischaracterizes his testimony and assumes facts
15 not in evidence.
16 A. I don't know, per se. It would go
17 to the research and development department in
18 general. I don't know specifically.
19 Q. I only suggest that because she was
20 there with you at the hearing; right?
21 A. That's right.
22 Q. In the car ride on the way back,
23 did you turn to Dr. Ellis and say, "Dr. Ellis, I
24 would like you to handle the various post-hearing
25 requests that the Congress had"?

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1 A. I don't recall that.
2 Q. Do you know if she had any role
3 whatsoever in the six months following your
4 testimony in providing this information?

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A. She may or may not have.
Q. Take a look at page 56, if you would, of Exhibit 2001.
In the middle of that page, you make a commitment, do you not, to look into the request and put the two staffs together.
Do you see that?
A. Uh-huh.
Q. Yes?
A. Yes.
Q. And then you say, "I have no problem giving you any material we have, if it's not some way involved in active litigation at this time."
Do you see that?
A. Yes.
Q. In the six months following your testimony, did you ever make a determination as to whether documents that the company had that were responsive to the Congress' request were involved in active litigation or not?

MR. NUNLEY: You're asking did Mr. Campbell personally do that?
MR. SILBERFELD: Yes.
A. That would not be my responsibility.
Q. Do you believe you assumed that responsibility in making this statement to the Congress?
MR. NUNLEY: Objection. I think that may call for a legal opinion.
A. I sit here -- I would put the two staffs together. I believe that was done.
Q. In the six months following your testimony, did you assign to either inside counsel or outside counsel for the company the responsibility of determining whether any

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documents that the company had were involved in
active litigation or could otherwise be produced
to the committee?
A. I don't remember that. I'm sorry.
Q. Turn, if you would, to page 60 of
this document.
In the middle of the page in the
response to Congressman Synar's questioning of
you, you're asked for copies of any of
Dr. DeNoble's studies, reports, notes or any other

documents pertaining to the work you performed.
Do you see that, sir?
A. Yes.
Q. And you responded, you think Philip
Morris would have such things. You were asked to
provide them and you say, "I see no problem."
Do you see that?
A. That's correct.
Q. What did you do to comply with this
request after your hearing testimony?
A. This would be in the same category
as the other responses. I asked people to --
people got started to discuss between the two
staffs how this would transpire.
MR. NUNLEY: Mr. Silberfeld, I
would just for the record object to the
questioning.
It appears at 1:24:06, and I don't
think you intended to, but I think the way it came
out, it appears as though you're putting a
response in his mouth that he didn't make.
MR. SILBERFELD: I'm having trouble
finding where you are.
MR. NUNLEY: I think his response
was, "I see no problem." I don't know

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if what

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preceded that was his response.
MR. SILBERFELD: Okay.
MR. NUNLEY: Move to strike the question and the answer.
Q. In the six months following your testimony, did you ever confirm that, in fact, Dr. DeNoble's notes, reports, studies and documents had been gathered and provided to the Congress?
A. I don't remember.
Q. Did you consider it your responsibility to see to it that Representative Synar's request was complied with?
MR. NUNLEY: Objection.
MR. SILBERFELD: Go ahead.
THE WITNESS: I'm sorry, would you repeat the question?
Q. Did you consider it your responsibility to comply with Representative Synar's request?
MR. NUNLEY: Objection.
A. I responded generally to all of these requests by putting people together with the people representing the Congressional Committee.
Q. If you would, turn to page 97,

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Mr. Campbell.
At the top, although there's a typographical error, I think the essence of the Congressman's remark is asking you whether Philip Morris has done any research of any kind on the Joe Camel advertising campaign; do you see that, sir?

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A. I see Joe Camel, yes.
Q. And your response is, "I'm not acquainted with anything specifically," at that point; right?
A. That's correct.
Q. Now, if you turn to page 141 of the document where the subject comes up again --
MR. NUNLEY: Well, again, objection to the question at 1:26.
I think you asked it as a quote, and it comes across as a quote of something he didn't say, so I would move to strike it.
MR. SILBERFELD: I don't understand what you're saying.
MR. NUNLEY: You say in your response, "I'm not acquainted with anything specifically."
MR. SILBERFELD: Which is a direct

quote of what the man says.
MR. NUNLEY: It goes on to say "at that point."
MR. SILBERFELD: Okay.
Q. Turn, if you would, to page 141.
At the top, you're quoted as saying, quote, "While I don't know whether we've done any research of Joe Camel, if we have, I guess it would be available to you."
Do you see that, sir?
A. Yes.
Q. And Representative Synar asks you to tell the committee and provide it to the committee; right?
A. Yes.
Q. And you agree to do that?
A. Yes.
Q. What was done after your testimony

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to determine whether, in fact, Philip Morris has ever done any research into the Joe Camel advertising campaign?

MR. NUNLEY: Objection, foundation.

A. These requests for information and documents from the -- from the subcommittee were

all handled -- were all put into a group and were subject of discussions between people on our side and the staff from the Congressional Subcommittee, so I can't comment on the specifics.

Q. So, you don't know?

A. Specifically, I know that all these requests were handled, in general, together.

Q. Did you know after your testimony that, in fact, Philip Morris had done research with respect to the Joe Camel advertising campaign?

A. I did not.

Q. Have you learned that at any time since you testified in April of 1994?

A. I perhaps heard it. I'm not sure.

Q. When was it that you first learned that the company may have done that; that is, researched the Joe Camel advertising campaign?

MR. NUNLEY: Objection as to form.

A. I don't know.

Q. Are you sure that you have learned this or are you guessing now?

A. The general request was turned over and -- but I can't remember whether they found additional information or not.

Q. Have you heard at any time since

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you testified that, in fact, Philip Morris has looked at the Joe Camel advertising campaign within the company?

A. I don't recall that.

Q. If you would, turn back now to page 131.

At this page, there's a request from Representative Waxman to you for human studies having to do with nicotine levels in blood and studies related to nicotine addiction.

Do you see that?

A. I'm lost in the -- in the -- in the way it moves from speaker to speaker. I'm sorry. I -- I -- I don't know where you are in the document.

Q. All right. The third entry down is Representative Waxman.

Do you see that?

A. Yes.

Q. And it says, "Would you submit to us these studies that you have done on the human studies?"

Do you see that?

A. Yes.

Q. All right. And he is addressing

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that request to Mr. Johnston, who begins an answer, and then that's followed by a request to the other chief executive officers, and that would include you; right?

A. Right.

Q. And then he begins a question and you say, "I don't know if we have anything available. I'll have to check."

Is that your response? Have I read

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that correctly?
A. You have read that correctly.
Q. Okay. And then he continues on asking for human studies to measure nicotine levels in blood and studies related to nicotine addiction.
Do you see that?
A. Yes.
Q. Did you include that request, along with the other requested information, in the things that Philip Morris was going to provide to the Congress after your testimony?
MR. NUNLEY: Objection. Excuse me, Mr. Campbell -- objection, foundation.
A. I don't recall if this paragraph, makes the question unclear, but I don't recall, in

any case.
Q. Do you know if, in fact, human studies of nicotine and blood levels was ever provided by Philip Morris to the Congress?
A. No, I don't.
Q. So, your answer then, I take it, as to all of these requests is that you don't know whether any of this information was ever provided to the Congress after your testimony; is that right?
A. There were discussions between the representatives of Philip Morris and the representatives of the committee, but I don't know how those discussions concluded, no.
Q. And you don't know whether they concluded in a single piece of paper ever being turned over to the committee?
MR. NUNLEY: Objection, asked and

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answered.
Q. Right?
A. I'm not sure.
Q. In appearing before the Congressional Committee, Mr. Campbell, did you consider it as part of that appearance accepting responsibility on behalf of Philip Morris for an

interest in people's health related to the products that the company sells?
MR. NUNLEY: Objection as to the form and vague.
Q. Do you understand the question?
A. I would -- I would have difficulty answering it.
Q. Okay. Let me try again.
As the president and CEO of the company, you certainly understood, did you not, before you appeared before the Congress that there were health issues related to the products that Philip Morris sold, the tobacco products?
A. Yes.
Q. And to the extent that there were health consequences associated with Philip Morris tobacco products, did you as chairman -- as CEO and president accept some responsibility for answering health concerns and health questions about Philip Morris' products?
MR. NUNLEY: Same objection, form and vague.
A. I think I -- I felt a responsibility to respond to the issues that had been raised in the immediately prior period.

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Q. Did you feel it was your responsibility as president and CEO to help answer the question as to whether or not there were, in fact, health effects from the products that Philip Morris sold?

MR. NUNLEY: Objection as to form.

Are you meaning within the context of these hearings?

MR. SILBERFELD: Generally and in the context of the hearings, yes.

MR. NUNLEY: Generally, it's compound, and I object.

Q. Let me break it up. As president and CEO unrelated to these hearings, do you believe you had, as part of your responsibility, an interest in people's health that used your company's products?

A. I believe we have an interest in our customers and their use of our products.

Q. How about their health?

MR. NUNLEY: Objection as to form.

A. To the extent that the use of our products as related to customers, something -- there is a relationship between our products and health; for instance, that is reflected on the

warnings on our product.

Q. I'm not sure you've answered my question.

With respect to the company's products, to the extent they posed a health risk to your customers, do you believe that Philip Morris had a responsibility with respect to the health risks posed by your products?

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A. We --
MR. NUNLEY: Excuse me, objection as to form.
A. We acknowledged the health risks associated with our products.
Q. How did you do that?
A. We do that routinely with warnings, and I have spoken publicly in this forum saying that there are risks -- health risks associated with our products.
Q. As the president and CEO of Philip Morris, do you believe that the company has an obligation or had an obligation in the years that you were president and CEO to investigate those health risks with respect to its products?
MR. NUNLEY: Objection as to form.
A. I believed that we have

acknowledged the health risks associated with our products, and I believe there has been some research associated with the products in the general area.
Q. What does that mean?
MR. NUNLEY: Objection as to form.
A. I believe it means what I said.
Q. What has been done by Philip Morris with respect to the health risks that you're speaking of?
A. We participated -- you know, first of all, we participated in moving the legal age higher across the country in order that young people would be informed, and we -- to printing of the warning labels on packs, and so on, cigarettes, and we also participated in research programs related to certain diseases

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associated
with smoking.
Q. The warnings that are on the
packages of cigarettes, at least in this country,
are warnings that are mandated by the Surgeon
General, are they not, or by the government?
A. I believe so.
Q. And the language that is on the
warnings are the language of the Surgeon General's

office; true?
MR. NUNLEY: Objection, foundation.
A. I believe so.
Q. The warnings did not say and none
of them have said in over 30 years that Philip
Morris on its own products believes smoking causes
disease; it doesn't say that, does it?
A. Those are Philip Morris' products
and they carry that health warning.
Q. It would have been a simple matter,
would it not, for Philip Morris to say, "Philip
Morris believes smoking causes lung cancer," if it
believed that?
MR. NUNLEY: Objection, foundation.
MR. SILBERFELD: Go ahead, sorry.
MR. NUNLEY: Are you finished?
MR. SILBERFELD: I have.
MR. NUNLEY: Objection, foundation,
and assumes facts not in evidence.
MR. SILBERFELD: Go ahead.
THE WITNESS: I will need a
repeat. I'm sorry.
Q. The warnings that have been in use
in this country for in excess of 30 years begin

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with the words "Surgeon General's Warning," do they not?
A. That's correct.
Q. They don't say, "Philip Morris warns that," and then it's followed by some warning -- they have never said that, have they?
A. Not to my knowledge.
Q. As the president and CEO from 1990 to '94, did you believe that people's health -- your customers' health was paramount to every other consideration in your business?
MR. NUNLEY: Objection as to form.
A. My time at Philip Morris, we sold a legal product that we tried to balance our responsibilities between our consumers or our shareholders and our employees.
Q. Did you consider your customers' health to be a basic responsibility of yours as president and CEO for that four-year period?
MR. NUNLEY: Objection as to form.
A. I certainly participated in trying to prevent youth from smoking and the warning labels, advertising code, those kinds of things that would allow adults to make an informed decision, plus research.

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Q. My question is directed to you as an individual and the president of the company.
Did you accept as a basic responsibility of yours an interest in your customers' health?

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A. I think that your customers are part of your responsibility, yes.
Q. And their health is part of your responsibility?
A. I suspect that's part of everything.
Q. And was that responsibility -- that is, the health of your customers -- paramount, more important than any other consideration in your business --
MR. NUNLEY: Objection as to form.
MR. SILBERFELD: -- in the period of time that you were president and CEO?
MR. NUNLEY: Objection as to form and foundation.
MR. SILBERFELD: You can answer that one yes or no.
A. I don't know.
Q. You don't know whether it was more important or paramount?
A. It's very important.

Q. What's the most important consideration for you as president and CEO in the four-year period that you held that position?
A. I don't think I ever identified one -- any single priority -- many parts of that kind of a job that make it complex, as I said. You have to think about your employees, your shareholders, your customers and your customers' health.
Q. At the time that you appeared before the Congress in April of 1994, did you believe that the issues surrounding smoking and health and nicotine and addiction were matters of

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some considerable, urgent concern at that time?
MR. NUNLEY: Objection as to form and vague.
A. Yes.
Q. There had been about a two to four-week gap between your first invitation that came from Congressman Waxman and your actual appearance; right? That was about a 30-day period total?
MR. NUNLEY: By that, do you mean invitation to the company, as opposed to Mr. Campbell personally? Of course.

A. That's why it seemed shorter to me. I recall intensity for a couple of weeks.
Q. And with respect to the things that you were asked for by the committee, either Congressman Waxman or Synar or others perhaps, in your own mind at the time when you agreed to provide additional information, what did you regard a reasonable time to be to comply with the requests that were being made of you?
MR. NUNLEY: Objection as to form.
A. This was rooms full of information, I think, and I -- you know, I know no concept of what would be required to move rooms full of information from one place to another. That's not my area.
Q. Well, assuming that this was a request you wanted to comply with -- you did want to comply with the request, didn't you?
A. Yes. I testified so.
Q. Would it be reasonable, based upon the number of people that Philip Morris

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could
22 assign to the task, to see to it that
the requests
23 were complied with within 30 days of
the close of
24 the testimony?
25 MR. NUNLEY: Objection
as to the

1 form.
2 A. I -- I don't know.
3 Q. How about 90 days; is
three months
4 enough time to comply with the five
requests which
5 were made of you?
6 MR. NUNLEY: Same
objection and
7 foundation.
8 A. I really don't know.
This is --
9 you know, this is an area which is way
beyond my
10 direct responsibilities or experience.
11 Q. Well, as president and
CEO for a
12 four-year period, Mr. Campbell, I
assume there
13 were times when you said, "I would like
to know
14 about subject X" -- doesn't really
matter what it
15 is.
16 You had that happen, did
you not,
17 over the course of your time as
president?
18 MR. NUNLEY: Objection
as to form.
19 A. Yes, but I would never
make a
20 request at a single time of anything
like this
21 magnitude, don't think I ever have.
22 Q. Well, they asked for
five pieces of
23 information. Let's just talk about
one.
24 In your four years as
president and
25 CEO, you certainly asked others to
research and

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investigate and bring you answers with respect to the topics of interest to you; right?

MR. NUNLEY: Objection as to counsel's characterization of the requests for five pieces of information and move to strike that statement.

MR. SILBERFELD: Go ahead. You can answer.

A. This was a matter referred to a group of people to talk to another group of people, and it was obviously a very, very large, comprehensive task that I don't know whether it was completed or not.

Q. How do you know it was a large, comprehensive task?

A. I think the people that I -- that were asked to go look at it said that it was a large, comprehensive task.

Q. Did you ever write back to the committee and say words to the effect "We are working on it. It's a large, comprehensive task. It's going to take us some more time."

Did you ever do that?

MR. NUNLEY: You mean Mr. Campbell personally?

MR. SILBERFELD: Yes.

A. No.

Q. Do you know if that was ever done by anyone within Philip Morris?

A. There were certainly verbal communications. I don't know beyond that.

Q. In the course of your four years as president and CEO, can you think of a time when you asked for some research to be done and some information to be brought back to you

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where it
took six months for you to get an answer?
MR. NUNLEY: Objection -- excuse me -- objection as to form.
A. Yes.
Q. You can?
A. I don't know about during that three-and-a-half-year period, but some things can certainly not be answered in a short period of time.
Q. To the extent the answer exists, not that someone has to create it, somebody has to just go find whether information exists and bring it to you, have you made that kind of a request in the course of your three-and-a-half or four years as president and CEO?

MR. NUNLEY: Objection as to form.
A. I certainly have made specific requests for information, and I -- the majority certainly come back within six months, but some don't.
Q. The majority come back a whole lot less time than that, do they not?
MR. NUNLEY: Objection, argumentative.
Q. Let me show you what's been previously marked as Exhibit 1148. It's a document entitled "A Frank Statement to Cigarette Smokers."
MR. NUNLEY: No additional copies of premarked ones?
MR. SILBERFELD: That's the only one I have with me.
MR. NUNLEY: Could we -- I'll tell you, at lunch break, if you have them and you

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don't mind, I think if we could impose on our host to make copies of them, it would help us move along.

MR. SILBERFELD: I thought this was the only one. I thought you might be familiar with it.

Q. Have you seen that document before, Mr. Campbell?

A. No, I have not.

Q. Today is the first time you've seen this document?

A. Yes.

Q. Okay. Let me represent to you that what it is is an advertisement that was placed in a large number of newspapers in this country in the 1950s, and let me direct your attention to the bottom of it.

Do you see the name of your company there?

A. Yes.

Q. Have you had a chance to look at it briefly?

A. Just briefly. I may ask to go back to it, yes.

Q. Let me direct your attention to the upper half of it and the left-hand column.

Do you see a statement there near the bottom of the left-hand column in the upper half of the page that says, words to the effect, "We accept an interest in people's health as a basic responsibility paramount to every other

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aspect of our business"?
A. I see that.
Q. Was that your operating philosophy as president and CEO during the time that you served in that capacity?
MR. NUNLEY: Objection as to form.
A. As I have not seen the document before, I would express it more like -- more in the ways I expressed things earlier in your questioning.
Q. In giving the testimony that you gave before the Congress, do you believe that you discharged the responsibility to your customers and their health, as you've described it, not necessarily as its described in this document?
MR. NUNLEY: Objection as to form and vague.
A. I don't know. I did my best.
MR. SILBERFELD: Let's go off the record.
MR. NUNLEY: Do we want to, before we go off --
MR. SILBERFELD: Oh, Sure.
MR. NUNLEY: Just one thing, when we started, and we started late because of my

tardiness, we didn't identify everybody in the room and who they represented -- who they represented and which case, et cetera. I think we ought to do that for the record.
MR. SILBERFELD: In the few minutes remaining on tape, why don't we go ahead and do that. Go ahead.
We have got Mr. Campbell.

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MR. NUNLEY: I'm Mr. Nunley for Philip Morris.
MR. LANKLER: Robert C. Lankler representing Mr. Campbell, along with Mr. Curtis Miner from my office.
MR. DOCHERTY: Michael Docherty representing Defendant Lorillard Tobacco Company in the Minnesota action.
MR. ARCHIE: Joseph Archie from Dechert Price & Rhoads representing Philip Morris Companies and Philip Morris Incorporated in the Barnes case.
MR. SHUB: Jonathan Shub representing Plaintiffs in the Barnes case.
MS. BRACHTL: Martis Brachtl representing Plaintiffs in the New York action, Small, Hoskins, Fubini, Hoberman and Elisseou.

C O N F I D E N T I A L

MR. HABUSH: Robert Habush representing the State of Minnesota.
MR. GORDON: Corey Gordon, State of Minnesota and Blue Cross/Blue Shield.
MR. SILBERFELD: Roman M. Silberfeld, State of Minnesota and Blue Cross/Blue Shield.
Okay. We are near the changing of tapes, so why don't we break at this time and do that.
MR. NUNLEY: Sure.
(Luncheon recess approximately 12:30 - 1:30.)
CONTINUED BY MR. SILBERFELD:
Q. Mr. Campbell, we have Exhibit 1148 before you.
Again, we talked about this this morning -- a few more questions about it if, I

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may.
Are you familiar with the Tobacco Industry Research Committee as an entity?
A. No, I am not.
Q. You have never heard of that organization before?
A. No.

Q. Do you know whether that was an industry trade organization or focus of the tobacco industry as a group?
MR. NUNLEY: Objection, speculation.
A. I don't.
Q. You don't know anything about it?
A. I don't -- I don't know this group.
Q. Okay. Assume, if you will, that as I said this morning, this was run in major newspapers throughout the country.
Does that description of it, by the way, refresh your memory in any way that you have actually heard of this document before or this Frank Statement before today?
MR. NUNLEY: Objection. I may have misunderstood his earlier testimony. I think you asked him if he had seen it. You're now asking if he had heard of it?
MR. SILBERFELD: Yes.
MR. NUNLEY: I think that question -- the earlier testimony was on whether he had seen it. The question now is whether he has ever heard of it.
Q. Let me ask you that: Had you ever

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heard of the Frank Statement before today?
A. I have heard the phrase "Frank Statement," in public things, I think, or perhaps around the office, but I don't know that -- I didn't know about this.
Q. Have you had a chance to read it in, at least in part -- at least in part?
A. I have scanned it. Now, would you like me to read it in full?
Q. Let me ask you a few questions about it and ask you if that, in the interest of time, can move things along.
MR. NUNLEY: Mr. Silberfeld, it's a short document. If the witness would like to read it, I would ask that he be given the opportunity to do it. I think he has been most of the way through it.
MR. SILBERFELD: Go right ahead and finish.
(Pause.)
A. Okay.
Q. All right. Having now had a chance to read it, let me direct your attention to the sentence that I read to you earlier in the left-hand column near the bottom of the column

where it says, "We accept an interest."
Do you see that, sir?
A. Yes.
Q. By making that statement, did Philip Morris voluntarily accept some responsibility for its customers' health?
MR. NUNLEY: Objection, to the extent that calls for a legal opinion.
A. I don't know the circumstances of the time. I can only ready what it

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says, "We
11 accept an interest."
12 Q. As a basic
responsibility, right?
13 A. That's what it goes on
to say, but
14 I was not there at the time, so I don't
know, you
15 know, what context this came out or
anything. I
16 assume it's in the press, but I was not
around,
17 certainly.
18 Q. When you first heard of
it, give me
19 the decade that that was when you first
heard
20 about the Frank Statement. What decade
are we in?
21 A. The '80s or 90s.
22 Q. So, in the '60s or '70s,
you never
23 heard of this Frank Statement?
24 A. No.
25 Q. Did you understand that
it was part

1 of the corporate philosophy of Philip
Morris in
2 the '60s when you first joined and into
the '70s
3 to take as a basic responsibility an
interest in
4 people's health?
5 MR. NUNLEY: Objection,
6 foundation.
7 A. I don't know. I -- I
think I
8 stated earlier that, you know, in my
time there,
9 we -- we always thought of it as the
10 responsibility to various
constituencies, our
11 employees, our workers, our
shareholders,
12 obviously, and our consumers, including
their --
13 including their health.
14 Q. The next sentence -- two
down,
15 rather, the last one in that left-hand
column
16 reads, "We always have and always will
cooperate
17 closely with those whose task it is to
safeguard
18 the public health."
19 Do you understand that

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to refer
basically to government?
MR. NUNLEY: Objection,
speculation.
A. I don't know.
Q. Would you regard the
efforts made
by you and others at Philip Morris
after your

Congressional testimony as working
closely with
the government with respect to the
requests that
were made of you at the time of the
hearing?
MR. NUNLEY: Objection,
form and
foundation.
A. I think that -- I think
that there
were substantive discussions about how
the
documents at least could be -- would be
worked
on. That's as far as I know.
Q. Well, do you regard what
the
efforts were as being close cooperation
with the
Congressional Committee investigating
tobacco in
1994?
MR. NUNLEY: Same
objections.
A. I don't know what your
definition
of "close communication" would be,
"close
cooperation."
Q. Were you personally
satisfied in
the six months that you remained
president and CEO
after your testimony with the progress
that had
been made in providing to the committee
what they
had asked for?
MR. NUNLEY: Objection,
foundation.
A. I think I answered to
the best of

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my ability by saying that I know there were a number of discussions.

Q. Were you personally satisfied with the progress that was made in the six months until you left office?

A. I don't know.

Q. You don't know one way or the other?

A. I asked about progress, was told that discussions were ongoing.

In view of the size and the magnitude of the documents and the requests, I think I was -- I was -- I was satisfied that at least reasonable discussions were going on.

Q. Is it of interest to you as you sit here today, Mr. Campbell, whether or not a single piece of paper was ever provided to Congressman Waxman and his committee by Philip Morris?

MR. NUNLEY: Objection, relevance and argumentative.

Q. Is that of interest to you, sir?

MR. NUNLEY: Same objections.

A. I no longer work in the company. I am a banker. It's hard for me to speculate about a business that I am no longer in.

Q. Well, you became chairman after you

vacated the presidency; right?

A. Excuse me, I'm sorry.

Q. That's all right.

A. Yes, but I was not involved in the day-to-day activity of the division.

Q. You remained an employee of Philip Morris for approximately another six months or so?

A. Little bit less, but, yes.

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Q. So, for roughly one year after you testified, you remained an employee of Philip Morris?
A. Yes.
Q. And you were chairman of the domestic tobacco business?
A. That was my title. In fact, I on a day-to-day basis worked in the corporate group.
Q. At any time in the last six months before you left Philip Morris, did you at any time follow up the Congressional requests that had been made of you at the time of your testimony?
MR. NUNLEY: Objection, form and vague.
A. I'm not certain. I may have.
Q. Do you have any recollection of doing so?

A. I may or may not have. I'm not sure.
Q. On Exhibit 1148 on the right-hand side next to the number one, do you see the statement, "We are pledging aid and assistance in the research effort into all phases of tobacco use and health"?
Do you see that, sir?
A. Yes, I do.
Q. Is it your understanding that Philip Morris voluntarily undertook that effort in the 1950s, based on what you know from the 28 years you were with the company?
MR. NUNLEY: Objection, foundation, speculation.
MR. SILBERFELD: If you know.
MR. NUNLEY: Same objections.

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A. I was not anywhere near the U.S.
operations until the 1980s.
Q. You don't know one way or the other?
MR. NUNLEY: Asked and answered.
THE WITNESS: I'm sorry.
Q. You do not know one way or the
other, do you?
A. No.

Q. You recall at the time of your
Congressional testimony being asked about whether
Philip Morris had done any research into Joe Camel?
A. Yes.
Q. The Joe Camel campaign.
Let me show you a document which I
would like to have marked as next in order.
It's a multipage document dated
March, 1992. It bears Bates number 2045060177 to
0203.
(Plaintiffs' Exhibit 2002 was
marked for identification.)
Q. This is a document, Mr. Campbell,
entitled "The viability of The Marlboro Man among
the 18 to 24 segment," prepared for Philip Morris
by Bruce Eckman, Inc.
Do you see that on the first page,
sir?
A. Yes. I'm sorry, I was trying to --
I haven't looked at the document in detail, so
again, I may ask you to slow down.
Q. That's fine. Is that a correct
description of the first page of it, anyway?
A. That's right -- I'm out of order
here.

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MR. NUNLEY: Objection to that specific characterization.

Q. Well, without regard to whether it's a characterization, is that what the words say?

A. Would you start again, because I got --

Q. Why don't you read the title.

A. "The Viability of The Marlboro Man Among the 18-24 Segment for Philip Morris by Bruce Eckman, Inc., Bruce Eckman, Shelly Goldberg, 145 Duane Street, New York, New York, March, 1992."

Q. And if I may, let me direct your attention to page 10 of the document -- well, let me withdraw that.

Turn to page 1.

MR. NUNLEY: Page 1 of the executive summary? There are two page 1s.

Q. Page 1 of the executive summary under "Background and Objectives."

A. Yes.

Q. Do you see the sentence that begins, "Given the innovativeness and the impact of the Camel advertising campaign with the 18-24 segment, the question was asked whether The

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Marlboro Man is still viable with his age group and what could be done to make the symbol more powerful today."

Do you see that, sir?

A. Yes, I do.

Q. Now, if you turn over to page 10, 11 and 12 and 13, would you agree with me that

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those pages are a description of the Joe Camel advertising and some comparison to the Marlboro Man?

A. I have never seen this document. I will have to --

Q. Take your time.

A. I'm looking at pages 10, 11 and 12.

Q. And 13. And, in fact, page 13 is a sort of side-by-side comparison, is it not, of various characteristics that the authors thought were significant comparing the Marlboro Man, on the one hand, and Joe Camel on the other?

MR. NUNLEY: Objection, speculation as to what the authors thought.

A. I -- I -- you know, as they say, I have not seen this document, and there's three paragraphs on page 12 about ads, but everything else, it's unclear as to what they are talking

about.

Q. Well, take a look at page 13 all by itself.

See where it says "Marlboro Man" and "Joe Camel" at the top?

A. There's no context here to tell what these words are all about, but --

Q. At any time after you first testified before the Waxman Committee, did you see this document, ever?

MR. NUNLEY: Objection, asked and answered.

A. I don't think so.

Q. Is today the first time you've ever seen this document?

A. I think so.

Q. Do you know if anybody on behalf of

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Philip Morris provided this document to the Waxman Committee in response to the requests for information about research that Philip Morris had done on Joe Camel?

A. As -- as I answered earlier, I don't know if this was part of -- all of these requests were dealt with as a group, and there was ongoing discussions with people that worked for

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Philip Morris and people that worked for the Congressional Subcommittee, and that's the last I know of it, so this would be part of that overall discussion.

Q. You would expect, would you not, just from the cursory review of it that you have had here today, that this document would be responsive to what the committee was asking you for?

MR. NUNLEY: Objection. Can we put that specific question in front of him again, whatever -- whatever you're referring to?

MR. SILBERFELD: Oh, sure.

Q. Here, in the document marked 2001, if you turn to page 141, at the top, Mr. Campbell --

A. Yes.

Q. -- and running down, it describes a request -- actually, it appears on the page before it, the bottom, as well, where the Congressman is asking you whether or not you had done any market research with respect to the impact of the Joe Camel ads by your competitor, and then on the top of page 141, you say, "I don't know

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whether we
have done any research on Joe Camel.
If we have,
I guess it would be available to you."

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With that in mind, my question is:
Does Exhibit 2002 on the viability of The Marlboro Man represent a document that would be responsive to the requests made of you by the Congress?

A. This may well have been. It had to be considered in the whole context of all of the documents, and as I said, you know, repeatedly, they were being dealt with as a group, so I don't know about, you know, this specific document.

Q. Well, is this document, in your view, responsive to the requests made for information about market research having to do with Joe Camel?

A. This document has reference to -- to Joe Camel, yes.

Q. And it's an advertising document, is it not?

A. It appears to be, yes.

Q. Are you familiar with Bruce Eckman, Inc.?

A. No, I'm not.

Q. The Marlboro Man is an advertising program of Philip Morris, is it not?

MR. NUNLEY: Objection as to the characterization.

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A. Advertising for Marlboro that has a man in it, yes.

Q. And that's a program, it's not just

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a single spot? It's been the slogan and the advertising theme for the Marlboro brand for years; true?

MR. NUNLEY: Objection, vague and compound.

A. The Marlboro Man has been part of Marlboro advertising for a long time, yes -- part of.

Q. Decades?

A. I guess decades, yes.

Q. Let me next mark a document entitled "Marlboro Brand Audit, March 18th, 1994," that bears Bates number 2041855058 to 2041855295.

MR. GORDON: Just so the record is clear, I want to note that this is the copy of the document that was previously produced by Philip Morris as a Category II document. Subject to the order of Judge Fitzpatrick of September 4th, Philip Morris has produced a redacted version.

During the break, Mr. Nunley gave me two different versions of it, one that is

Category I -- has been designated as Category I and the version we are marking here today with some additional redactions and is simply designated as "Confidential."

For purposes of this deposition, we'll use the "Confidential" one, and it's a lengthy document and we only have the two copies Mr. Nunley gave us a little while ago, so we'll have to make do.

(Plaintiffs' Exhibit 2003 was marked for identification.)

Q. This is a lengthy

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document,
13 Mr. Campbell. I don't want you to read the whole
14 thing. I want to direct your attention to a few
15 pages, which you can read in their entirety, if
16 you would.
17 First off, this is a document dated
18 March 18, 1994, approximately 30 days before you
19 testified before the Congress; right?
20 A. That's correct.
21 Q. Have you ever seen this document
22 before today?
23 A. I don't think so.
24 MR. NUNLEY: Mr. Silberfeld, maybe
25 you could just give him some idea of the pages and

1 look through it now.
2 MR. SILBERFELD: Sure.
3 Q. Turn, if you would, to the fifth
4 page.
5 A. Is there a page number?
6 Q. No. There's a -- there's the
7 little number, a Bates number ending in 5061.
8 A. I have that page.
9 Q. Okay. Read that one for me, would
10 you, to yourself?
11 MR. NUNLEY: Mr. Gordon, I wonder
12 if I could, just for purposes of this, look on one
13 of the other copies I gave you so I can follow
14 along without being -- (Handing)
15 A. I have read 061.
16 Q. With respect to that page, do you
17 agree that that is a comparison between Camel and
18 Marlboro?
19 A. No.
20 MR. NUNLEY: Objection.
21 Q. With respect to Marlboro's consumer
22 franchise, are there references in this document
23 to "Camel"?
24 MR. NUNLEY: Beyond this

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page,
Mr. Silberfeld?

MR. SILBERFELD: Yes.
A. Yes, there are references to "Camels."
Q. And there are comparisons made between Marlboro's image and that of Camel; right?
MR. NUNLEY: Objection. The document on that point speaks for itself.
A. I only see "Due to strong competition from Camel," and "Defend younger piece of the franchise against Camel."
I wouldn't be able to answer your question that way.
Q. Is this document -- just from that one page, is that one page responsive to the request that was made of you by the Congressional Committee for information on market research that Philip Morris had regarding Camel?
A. I don't know. What was the -- what was the -- you have to go back to the request.
MR. NUNLEY: 141, I think.
MR. SILBERFELD: 141 -- actually, it's the bottom of page 140.
MR. NUNLEY: I'm going to object, Mr. Silberfeld, to the continuing suggestion that somehow, these responses -- or excuse me -- these

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what you're characterizing as requests stayed constant after the hearing. I don't know whether that's the case, I don't know whether

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you know
that's the case, but I think your questions imply that, and without that factual underpinning, I don't know whether that's accurate.
MR. SILBERFELD: Are you suggesting to us his obligation was somehow extinguished when he left the room?
MR. NUNLEY: Not at all, but what I'm suggesting to you, since you asked, there's been group meetings discussing the requests and whether those requests were somehow negotiated more broadly, whether they were negotiated more narrowly, I don't know, but your question suggests that they remain completely intact.
All I'm saying, I don't know that's the case, and to the extent that's the factual basis on which your questions are based, I think it's improper.
MR. GORDON: I would just note that I think that original objection exceeds the scope of the case management order.
MR. NUNLEY: Well, I only expounded on it because I was asked to.

MR. GORDON: I meant the original objection before Mr. Silberfeld discussed it.
MR. SILBERFELD: I'm sure you don't have the question in mind any more, Mr. Campbell; is that right?
THE WITNESS: No.
MR. SILBERFELD: That's what I thought.
Q. Is this page of Exhibit 2003, in your mind responsive, to the request that was made of you at the time you testified before

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Congress?
MR. NUNLEY: Same objection.
A. I would need, you know, to discuss it with people, but I don't think it -- this is not marketing research, which seems to be what the testimony calls for about Joe Camel, but it's an area which presumably would be something that you would discuss, because the specifics of my testimony talk about our requests would relate to marketing research, and these basically seem to be just points of view on the part of the writer, and I don't know the context, so it would depend.
Q. What does the term "Brand Audit" mean as used on the cover page of Exhibit 2003?
MR. NUNLEY: Well, objection,

foundation.
A. I don't -- I don't know specifically, I think just a general document on the brand.
Q. Did you ever have any brand responsibilities in any of your years?
A. I did.
Q. Okay. So, you know what "brand" means?
A. Yes.
Q. That's a type of cigarette product?
A. That's right.
Q. And there can be -- well, withdraw that.
What's an audit as used in this term, if you know?
MR. NUNLEY: Objection, foundation.
A. I think, and I don't know -- these do not come in when I was in the marketing job,

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21 some other time, but the -- it's just a general
22 review of the brand, I think.
23 Q. Is today the first time you've ever
24 seen a brand audit, assuming that this is one?
25 A. I think I've seen parts of brand

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1 audits in presentation form, perhaps.
2 Q. When you were the head of
3 Benson & Hedges Canada, was that considered a
4 brand for which you had responsibility?
5 A. Which brand?
6 Q. Benson & Hedges.
7 A. I don't think I ever -- maybe, yes.
8 Q. Were there other brands when you
9 were in Canada that you had a responsibility for?
10 A. Yes.
11 Q. And was it company policy to
12 conduct audits of all the brands for which at
13 least you had responsibility and knew of, at least
14 on an annual basis?
15 MR. NUNLEY: Objection. Company
16 policy -- which company?
17 MR. SILBERFELD: The company he was
18 working for.
19 MR. NUNLEY: The Canadian company.
20 MR. GORDON: It wasn't a separate
21 venture.
22 MR. NUNLEY: Are you going to
23 testify now?
24 A. I don't recall that being the case.
25 Q. Did you ever have brand audits

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1 performed that you were aware of by the Canadian

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company for the years that you were there, 1967 to 1976?

A. We are talking about semantics. Certainly, we would have done brand reviews, reviews of the business status, certainly. Whether that would be a audit or not, I don't know.

Q. With respect to the substance of your testimony before the Congressional Committee, Mr. Campbell --

A. Yes.

Q. -- in the interests of time, let me see if I can summarize, and if I mischaracterize what you said, please tell me that, all right? You testified that it was your belief that nicotine is not addictive; right?

MR. NUNLEY: I'm obviously not going to stop this line of questioning, but I think you've admitted his testimony. It speaks for itself.

MR. SILBERFELD: Rather than go to the page and find it and spend a lot of time -- that wasn't really the question, that was a preface to the question.

Q. Would you agree that's a fair characterization of what you said before the committee?

A. Yes.

Q. Since you testified in 1994, have you learned anything on the subject of nicotine that in any way changes your view on that subject?

A. No, I have not.

Q. I believe you testified that smoking does not cause disease or does

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not cause
cancer, I think is what you said; is that right?
MR. NUNLEY: Again, objection to the characterization, but --
A. I can't remember whether it was -- how it was -- do we want to look at the testimony?
Q. What's your recollection, in the interests of time?
A. That -- that cigarette smoking had not been proven to cause disease, lung cancer, I believe.
Q. And in the three and a half years since your testimony, have you learned anything, seen anything or come to know anything which has changed that view?
MR. NUNLEY: Objection as to form. You can answer.

A. I didn't know whether smoking caused disease -- specific diseases such as lung cancer at the time, and I don't know today.
Q. Are you of the view today that smoking is a substantial factor in causing or producing or contributing to any disease process?
MR. NUNLEY: Objection, relevance, and depending on whether that calls for some type of an expert opinion.
MR. SILBERFELD: Go ahead.
A. The -- mine is not an expert opinion.
In my testimony, I indicated that it may, or that it may cause disease in certain circumstances and that smoking was a risk factor in certain disease.

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Q. What diseases?
A. Ones that I can remember, certainly lung cancer, perhaps emphysema, and I'm not -- I would need an expert to go much further.
Q. Okay. One of the things that you testified to in front of the Congressional Committee was that Philip Morris does not market to children.
Do you recall that?

A. I -- I -- I --
MR. NUNLEY: Let me just -- on this point, obviously, people are interested in Mr. Campbell's Congressional testimony. I don't think you're in any way trying to mischaracterize it, but if we can have an understanding that you're characterizing it in very general terms and he is answering it in those terms, I don't have a problem with it, but I think to do otherwise is unfair to him, frankly.
MR. SILBERFELD: That's fine.
A. The -- certainly in my time at Philip Morris, we did not believe that minors under the legal age of 18 should smoke.
Q. And since the company while you were there did not believe that minors should smoke, does that also mean, therefore, that the company was not interested in researching what the attitudes of underage smokers might be?
MR. NUNLEY: Objection to the form.
A. We are under the testimony now?
Q. Yes, sir.
A. The -- I mean, basically, for the

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time that I was at Philip Morris, we were

interested in trying to assure that young people were not allowed access to smoking and that -- that our marketing programs were aimed at those of legal age, 18 or over by that time.

Q. And would your marketing research efforts have also been aimed only at those over the age of 18?

MR. NUNLEY: Objection to the foundation.

A. Market -- we have not done and, to my knowledge, marketing research at Philip Morris into -- into people under the age of 18, in my memory, at least. There may have been some investigation of statistical information for people under 18, but I don't think -- to my knowledge, and it was certainly the company practice not to do marketing research among those under 18.

Q. When you testified before Congress, you were asked, and again, in a general sense, I want to characterize it, as to whether you would advise your own children to smoke or not to smoke, as the case may be.

What is your view on that subject today?

MR. NUNLEY: Well, the one -- I'll object to that, just to the extent that the circumstances may have changed as far

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as the
children's age.
MR. SILBERFELD: Well, certainly.
I'm not suggesting he said one thing one day and
he is going to say something different today.
That's why I didn't go into that. He has children.
MR. GORDON: Chip -- excuse me. We
have been pretty tolerant to go beyond the case
management order. From now on, I really want you
to stick to the objections permitted under the
case management order.
That was clearly a prompt to the
witness to mention something about legal ages
changing, way beyond the scope of what's
permitted.
MR. NUNLEY: Mr. Silberfeld has
demonstrated, certainly to my satisfaction,
probably the satisfaction of everyone in this
room, he is a quite competent attorney, and if he
doesn't like what I'm doing, he can tell me that
and I'll just deal with one on your side and you
can deal with one on our side.
Q. Mr. Campbell, do you have children?

A. Yes, I do.
Q. I think you have two?
A. That's right.
Q. What are their ages today?
A. 16 and 20.
Q. And do they smoke?
A. I don't think so.
Q. Have you ever discussed with your
children whether or not you believe they should
smoke cigarettes?
A. Yes.
Q. And have you given them advice in

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that regard?
A. I have said that they should definitively not smoke until they are of legal age.
Q. That sounds like an order, not advice as a father?
A. I think I have followed it up with saying that there were risks associated with smoking that they were too young -- the case of my daughter now being 20, that's obviously out of date, but I think I have had discussions with both of them that they should not smoke until they are fully informed, and that, in most instances, that required something assembling -- something

resembling adulthood.
Q. Have they ever asked you directly whether they should smoke cigarettes or not, in your opinion?
MR. NUNLEY: Objection to the relevance, particularly if it occurred.
A. I don't think so.
Q. And you have never offered them advice other than to be fully informed and to be an adult when you make that choice?
MR. NUNLEY: Same objection.
A. I have talked to them openly about the risks associated with the product and with the public nature of my involvement in the industry in the period around 1994, spoke often with them about the risks of the product.
Q. What did you tell them?
A. I told them that I would -- the same thing as I would, you know, tell all the -- you know, everyone in this country, that, you

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know, young people shouldn't smoke, and that certainly, before they are of something of the order of 18 years of age, they really don't have enough knowledge and experience to make a -- to make the right decision.

Q. Do you continue to smoke yourself?
A. Yes, from time to time.
Q. Less than you used to?
MR. NUNLEY: Objection as to relevance.
A. I have always been an itinerant smoker.
Q. I think at one point, you were smoking about half a pack a day; is that right?
A. That's -- that's -- that's the high end of the itinerant.
Q. Have you ever quit?
A. Sure.
Q. How many times?
A. Well, quit -- obviously, no -- no, I haven't, because I never -- you know, did I ever say "No, I'm not going to have another cigarette"; no.
Q. Has there ever been any periods of time where you didn't smoke cigarettes -- 30, 60, 90 days, something like that?
A. Yes.
Q. And when you stopped and then started again, what were your reasons for starting?
A. Probably never went 60 or 90 days,

but just felt like I would enjoy one.
Q. Have you ever said anything to your

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children about whether cigarettes are habit forming?

MR. NUNLEY: Same objection, particularly without a date foundation.

A. I don't know.

Q. And when you would talk with your children about the risks associated with smoking, what specific risks did you tell them about?

A. That smoking seemed to be statistically associated with a higher incidence of certain kinds of disease.

Q. Did you tell them that it was firmly established that smoking is associated with lung cancer?

MR. NUNLEY: Mr. Silberfeld, will you give me a continuing objection on this line of what I think is a personal inquiry?

MR. GORDON: A relevance objection?

MR. NUNLEY: Yes.

MR. GORDON: You have that under the Minnesota rules.

MR. NUNLEY: Could I deal with Mr. Silberfeld, please?

MR. SILBERFELD: Mr. Gordon is much more familiar with the Court's orders than I.

MR. NUNLEY: You and I are probably on equal par.

MR. SILBERFELD: Therefore, I really do think you ought to deal with him, you're at least as competent or probably more so, so there's no unfairness in talking to you about what the Court order is, and as I understand it, those objections are preserved, anyway.

MR. NUNLEY: Whether it's preserved

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or not, I would like to state them for the record and see if you will give me a continuing objection.

MR. SILBERFELD: I think you better just state them.

MR. SILBERFELD: I think we have a question pending.

(Record read.)

A. I can't recall.

Q. When talking with your children, did you ever tell them that cigarettes cause lung cancer?

A. I don't believe so.

Q. Did you ever tell them that

cigarettes cause emphysema --

A. I don't believe so.

Q. -- or heart disease --

A. No, I don't believe so.

Q. -- or cervical cancer in young women --

A. I don't think so.

Q. -- or throat cancer?

A. I don't believe so.

Q. Have you ever used the word "cause" when describing a relationship between cigarettes and any disease?

MR. NUNLEY: Objection as to form.

A. I don't know.

Q. Do you believe that cigarettes are a substantial factor -- not the only factor, but a substantial factor in bringing about lung cancer?

MR. NUNLEY: Objection, form and expertise.

A. The -- I -- I have a general understanding of science, but not a specific one, and there's obviously a difference between a risk factor and causality, and, you know, I think that -- I would accept that cigarette

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smoking is a
25 significant risk factor in certain
disease, but

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1 more than that, I really don't know.
2 Q. What's the difference in
your mind
3 between the risk factor and causality,
as you use
4 those terms?
5 MR. NUNLEY: Objection
as to form.
6 A. Again, I'm not a
scientist, but I
7 would in layman's terms say that if you
do
8 something, it results in, and I don't
believe that
9 that has ever been established that --
that a few
10 cigarettes -- if you smoke cigarettes,
that you
11 get lung cancer, and I think that
that's a common
12 sense kind of layman's terms,
difference between
13 causality and risk factor.
14 Q. Well, with regard to
risk,
15 Mr. Campbell, what is the risk? How
big a risk is
16 it that cigarettes are associated with
disease?
17 MR. NUNLEY: I'm going
to object,
18 and on this -- maybe you want to confer
with
19 Mr. Gordon.
20 This is similar to the
line of
21 questioning that Mr. Gordon had with
Dr. Charles,
22 and Judge Fitzpatrick was on the line
at that
23 time. There was an objection that it
was
24 calling -- this kind of questioning was
calling
25 for expert opinions, and as I recall,
the judge,

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1 in essence, sustained that objection.
2 I don't want to call

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Judge
Fitzpatrick, but I think this line of questioning gets into that area and, if you pursue it, I won't have any choice but to do that.
MR. GORDON: Better do it, Chip, because we strongly disagree with your characterization of the Court's ruling and the nature of these questions.
This man is a former chief executive officer of Philip Morris. He is telling the world that there are risks associated with cigarettes, and we are entitled to probe what this former chief executive officer of Philip Morris believes those risks to be, and if you think that's calling for an expert opinion that's prohibited by the Court order, get Judge Fitzpatrick on the phone.
MR. NUNLEY: Mr. Silberfeld, I really would appreciate dealing with one.
MR. GORDON: I thought you asked me.
MR. NUNLEY: No, I said he might want to confer with you, Mr. Gordon, the specific purpose of that suggestion being that you wouldn't

appear on the record.
MR. SILBERFELD: Well, I think we are entitled to certainly inquire as to what his appreciation is of the very words he uses, not only here, but elsewhere to describe the relationship, and that's all I'm asking him.
MR. NUNLEY: Can we have the question back?
(Record read.)

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MR. NUNLEY: Same objection.
A. I don't know how big the risk is. That's -- that's -- that's beyond my capabilities as a -- as a general executive. That's -- that requires a scientist or someone who knows, you know, something about epidemiology and those kinds of things, and I don't.
Q. There are other risks that we all encounter in modern life; right?
A. Yes.
Q. We fly on airplanes and there's risks associated with that; right?
MR. NUNLEY: Objection as to form.
MR. SILBERFELD: Go ahead.
A. We take risks, yes.
Q. There's risks in walking in a New

York street?
A. (Nodding.)
Q. There's risks of riding in a car?
A. Yes.
Q. Compared to some of those risks, would you regard smoking as a riskier behavior or a less risky behavior than flying in an airplane, crossing a New York street or riding in a motor car?
A. I'm sorry.
MR. NUNLEY: Same objection.
A. I would be guessing. I don't know the subject of science.
Q. If you and I go traveling and we fly on an airplane, and we assume the risk that there may be an accident, and, in fact, there's an accident, then the risk has come true, has it not, as to you and me in that airplane?
MR. NUNLEY: Objection.

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MR. SILBERFELD: The risk of an accident.
MR. NUNLEY: Objection, and to the extent that calls for a legal conclusion as to whether you've assumed the risk, further objection.

MR. SILBERFELD: I don't think I said "assumed the risk," I think the risk has come true.
MR. NUNLEY: You said, "If you and I go traveling and we fly on an airplane and we assume the risk," probably something you don't want to do on the record.
MR. SILBERFELD: Do you have my question in mind?
THE WITNESS: No, I'm completely lost.
Q. All right. You and I go on an airplane trip, and part of that trip is the risk that something may happen -- do we agree about that, with the airplane?
MR. NUNLEY: Objection as to form.
A. Part of that trip, there's a risk -- I mean, well, virtually, we couldn't go out the door without there being a risk, so if we walk out together, there's --
Q. And if something happens with the airplane and the plane crashes and we are both hurt, but thankfully, only slightly, then the cause of us being hurt was the risk associated with the flying; right?

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MR. NUNLEY: Objection, incomplete hypothetical and form.

A. I am -- I'm not following between "risk" and "cause." I don't know what you mean.

Q. If there's a risk of flying in our example that we have been talking about here for the last minute or two, and the plain crashes, the risk has come true for you and me; right?

A. Right.

MR. NUNLEY: Objection as to form, incomplete hypothetical.

Q. Is that right?

A. I'm -- I'm -- I'm lost. I -- I -- the risk has come true? It's --

Q. The risk of an accident has come true for you and me in our plane trip; right?

MR. NUNLEY: Same objection.

A. I -- I can't follow the train of thought. I have never heard the phrase, "the risk has come true." It's just hard to follow. I mean, I -- if --

Q. Well, the risk is hypothetical, isn't it --

A. Right.

Q. -- until something happens; you

agree with that?

A. No, certain risks are -- are documented, you know. There's statistics on most risks.

Q. I'm not talking about populations of people now, Mr. Campbell, I'm talking about you and me on our airplane trip.

A. Okay. I'm sorry.

Q. We get on the airplane,

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and there's a risk, a hypothetical possibility that something might happen; right?

A. Uh-huh.

MR. NUNLEY: I'm going to ask for a continuing objection, this line of questioning. There's no time frame about when he might have this hypothetical thought process. You haven't defined the risk. It's an incomplete hypothetical. I think it's totally improper.

Q. Well, the risk that we are talking about, you understand, is the risk of a crash in our airplane example. You understand that, don't you?

A. But there's plenty of kinds of crashes, and therefore, there's plenty of different kinds of risk, so it's extremely

difficult to follow.

Q. Let's take another example.

A. Okay.

Q. You and I are walking across Park Avenue. By crossing the street, we run the risk, do we not, of being hit by a cab or a car?

A. That's a complex group of risks.

Q. What's complex about it?

A. Could be the car, it could fall in a manhole in New York.

Q. You're changing the example on me now. I just want to talk about you and me crossing Park Avenue.

A. All of those things could happen on Park Avenue.

Q. Okay. The one I want to focus on is getting hit by a cab. That's a risk; right?

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A. Right.
Q. Okay. If we are crossing Park Avenue right here at 47th Street and we are, in fact, hit by a cab, that risk has become a reality for you and me; hasn't it?
MR. NUNLEY: Objection, and I'm -- I'm going to ask that we break and call the judge now. I just think this is -- there's no point to

this question, and I'm going to ask that we stop and we'll try to get Judge Fitzpatrick on the line.
MR. SILBERFELD: Okay.
(Brief recess.)
MR. NUNLEY: Let me just say before we go back, we did break. I attempted to reach Judge Fitzpatrick or his chambers. We left a message. Mr. Silberfeld has graciously agreed to move off this line until we hear back from the court, which I appreciate.
Q. Mr. Campbell, let's -- in the interest of trying to get past this point -- go back to your words.
I would like you to define what you mean for me when you use the term "risk" in the context of smoking and disease.
MR. NUNLEY: You used that in the present tense. Do you want it in the present tense?
MR. SILBERFELD: Yes.
MR. NUNLEY: Objection.
A. I would use it today probably as I used it at that time, that -- the time I -- "risk" in this instance is, you know, primarily

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statistically defined that -- "risk," you know, in my definition would be that, increased risk factors for certain diseases would mean that you would have an increased chance of a disease.

Q. Are you able to quantify the risk for me as between smoking and lung cancer, for example, by reference to any number; how much greater a risk is there of getting lung cancer if you smoke than if you don't?

MR. NUNLEY: Objection as to form, calls for an expert opinion.

A. I would require, you know, some -- some -- you know, advice from people that know the statistics. I don't know them in detail. That's really not, you know, what a chief executive did.

Q. Can you qualitatively describe the risk to me?

Is it remote, real? Is it a moderate risk of contracting lung cancer if you smoke? How would you characterize it?

MR. NUNLEY: Same objections.

A. I would -- I would find any, you know, characterization to be guessing on my part, because I don't have the information.

Q. When you spoke to your children

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about the risks and making an adult choice, other than tell them that there is a risk, did you in any way describe that risk to them?

MR. NUNLEY: Objection as to form and to relevance.

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A. I don't recall. I certainly remember talking to them about the risks, but what way I characterized it, I don't recall.
Q. Did you describe it in any way with reference to any other risk that we know in human society?
A. I don't remember.
MR. NUNLEY: Objection, vague.
Q. Have you ever told your children that they should not smoke?
MR. NUNLEY: Objection, asked and answered.
A. I believe so, certainly, when they were under the age of 18.
Q. How about after?
A. I don't think it's been relevant at this point yet.
Q. What does that mean?
A. I mean, I have no evidence that the 20 -- 22 year-old is smoking, and I don't know

what we have talked about.
Q. So since she has been 18, the subject hasn't come up; is that the idea?
A. I just don't recall. It may have.
Q. Have you seen any of the published statistics about the relationship between smoking and disease?
MR. NUNLEY: Objection, vague.
A. I have heard things, for instance, in the past about, you know, numbers of deaths associated with smoking and disease.
Q. Such as 400,000 smoking deaths a year; you have heard that statistic, have you not?
A. That's correct.
Q. Does that statistic in any way

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convince you that smoking causes death?
MR. NUNLEY: Objection as to form.
A. I have -- I have no information on the -- on the industry since I left it. I think I said at that time that it may or may not cause disease, but -- and I -- you know, I don't know anything more than that today.
Q. Have you heard the statistic that one-third of all smokers will contract some form of disease that's associated with their smoking?

MR. NUNLEY: Objection as to the form.
A. I don't think I have.
Q. Assume that as being true, if you would, for purposes of my question.
If, in fact, one-third of all smokers will contract a smoking-related illness or may die, would you consider then smoking to be a significant risk factor for the development of disease?
MR. NUNLEY: Objection, incomplete hypothetical, assumes facts not in evidence, and it's vague.
A. I don't know the context, so, it's -- I would be guessing, and I can't do that.
Q. Well, is a third of a population of people a significant part of that population?
MR. NUNLEY: Objection.
A. I -- I don't -- you -- I don't know the nature of the statistic that -- you know, that you're giving me, you know, and I would be -- I would be guessing in terms of my answer, and I'm not comfortable doing that.

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Q. If 400,000 deaths a year doesn't convince you, Mr. Campbell, how many people have

to die for you to be convinced that smoking does cause death?

MR. NUNLEY: Objection, improper hypothetical, assumes facts not in evidence, and it's argumentative.

A. I couldn't answer that question. You could rephrase it.

Q. What's the problem with the question, and I'll try to help.

A. I got lost in the middle of it.

Q. Sure. You said 400,000 deaths a year is a statistic you heard isn't convincing in establishing, in your mind, that smoking causes death; right?

MR. NUNLEY: Objection. I think that mischaracterizes his prior testimony.

Q. Well, do you accept that 400,000 deaths a year are caused by smoking, sir?

A. I said earlier that I had heard -- I had read that. I don't know what that means.

Q. Do you believe it to be true?

A. I don't know.

Q. How many people have to die of smoking-related illnesses for you to be convinced that there is a causal relationship between

smoking and disease?

MR. NUNLEY: Objection, form and

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foundation.
A. That's -- that's -- that's difficult -- I'm not a scientist. I do not know the difference between risk factors and -- and causality, but, as I have said, maybe, but I don't know. I don't know the answer to your question.
Q. What does "maybe" refer to?
MR. NUNLEY: Objection as to form.
Q. I'm just using the witness' word. It's not a proper objection when I just take a word from his answer and ask him the next question, counsel.
MR. NUNLEY: I think it's an improperly worded question.
What does "maybe" refer to?
Q. When you used the term "maybe" in your last answer, what did you mean, sir?
A. I said that -- what I meant was that I don't know whether the statement that you just made is true or not. If you don't know something is true or not, then you're waiting for further evidence.
Q. So, 400,000 deaths a year is not sufficient evidence for you; is that what you're saying?
MR. NUNLEY: Objection, assumes facts not in evidence, it's an incomplete hypothetical.
A. I don't have the evidence. I don't know. I'm not an expert.
Q. Has one person in your opinion died from smoking-related disease in this country, ever?

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A. I don't know. They may have or they may not have.
Q. You're familiar with the fact that both the Surgeon General and a number of organizations have said smoking causes various forms of disease?
You're familiar with that, aren't you?
A. I believe so, yes.
Q. Why is it that you do not accept the stance of those organizations as factual and true?
MR. NUNLEY: Objection, foundation, calls for an expert opinion.
A. I believe that -- that the causal relationship between smoking and diseases such as

lung cancer has not yet been proven, and I, you know -- I -- I accept that there's -- that there's -- that it is a risk factor -- that smoking is a risk factor in disease, but, you know, I would need, you know -- you know, I would need somebody -- you know -- I'm out of date now.
When I was at Philip Morris, you know, there were experts that said that -- and helped me in forming opinion that said that, you know, causality had not yet been proven.
Q. My question was -- and now let's do talk about the period 1990 to 1994 when you were the president and CEO.
In that time frame, a large number of major medical and scientific organizations had concluded that smoking causes disease.

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17 We agree about that, don't we, that
18 they say -- concluded?
19 MR. NUNLEY: Objection, vague.
20 A. I think I heard that, yes.
21 Q. And you disagree with that
22 conclusion of those organizations?
23 A. I don't know. I'm not a -- I don't
24 know.
25 Q. You don't know whether they are

1 right or not?
2 A. That's correct.
3 Q. It's an open question, in your mind?
4 A. The causality issue is an open
5 question in my mind, yes.
6 Q. And what is that based on, sir?
7 A. I'm back into 1990 or '94.
8 MR. NUNLEY: Objection. I think
9 you have been through this before, Mr. Silberfeld.
10 Asked and answered.
11 THE WITNESS: Could you repeat the
12 question? I'm sorry.
13 Q. Against the weighted opinion of the
14 organizations that we have talked about, it is
15 your view that the case for smoking causing cancer
16 has not been proven; right?
17 A. That's what I said, may be proven,
18 is not proven -- wasn't proven to my satisfaction
19 at that time.
20 Q. Okay. What will it take to prove
21 it to your satisfaction?
22 MR. NUNLEY: Objection,
23 speculation.
24 A. I don't know. It would take, you
25 know -- take additional causality evidence that,

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you know, scientists would have to take me through, which is not really relevant today.

Q. Well, is there a single organization -- medical or scientific organization that you can think of that has not concluded that smoking causes disease?

A. I don't know.

Q. Is there an organization outside the tobacco industry that has concluded that smoking does not cause disease?

A. I don't know.

Q. Are you aware of the fact that scientists funded by The Council for Tobacco Research had overwhelmingly concluded that smoking causes disease?

MR. NUNLEY: Objection, assumes facts not in evidence.

A. I don't know.

MR. NUNLEY: Are you representing that for purposes of your question?

MR. SILBERFELD: Yes.

A. I don't know.

Q. You've heard that before, haven't you?

A. No, I don't think so.

Q. You were asked about that in the Broin case.

A. That --

Q. That scientists funded by the Council for Tobacco Research have overwhelmingly concluded that tobacco causes disease. You were asked that question a number of years ago. This isn't the first time you've heard that, is it?

MR. NUNLEY: Heard the question,

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Mr. Silberfeld?
MR. SILBERFELD: Heard the question or the concept.
MR. NUNLEY: Now, which is it? If you're going to ask him about prior testimony, I would urge you to be very specific, to be fair to the witness.
Q. Are you at all familiar with that concept?
MR. NUNLEY: Excuse me, with which concept? I'm not trying to be difficult, I want you to be fair to this gentleman. Which concept are you talking about?
Q. Have you heard at any time before today that in excess of 90 percent of scientists who do funded research from the CTR have concluded

that smoking causes disease? Have you heard that before today?
MR. NUNLEY: Objection, assumes facts not in evidence.
A. I may have. I don't recall.
Q. Okay. Do you have reason to disbelieve those scientists who have done the funded research for CTR?
A. I have no reason to believe or disbelieve. I don't know what you're referring to. I mean, I don't recall what you're referring to.
Q. In order to prove cause to your satisfaction, Mr. Campbell, what work is there in process that you're aware of at any university or any tobacco company that would lead to an answer to your question to your satisfaction?
MR. NUNLEY: Objection,

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foundation
and abject speculation.
A. That would require a scientific answer, which I'm not qualified to give, I'm afraid.
Q. Do you know how many studies in the last 30 years or so have looked at the question of whether smoking causes disease?

A. No, I don't.
Q. Does the number 50,000 seem like a reasonable number to you?
A. I have no idea.
Q. You've heard that number before today, have you not?
A. Not that I recall.
(Brief recess.)
Q. Mr. Campbell, before our break, we were talking about the number of 50,000 referring to studies which have reached the conclusion that there is a relationship -- a causal one -- between smoking and disease.
Do you have any factual basis to disbelieve the conclusions reached by those studies?
MR. NUNLEY: Objection, assumes facts not in evidence.
A. I don't know the studies and I don't know the answer to your question.
Q. Have you ever read any of the studies that say there's a link between smoking and disease yourself, have them brought to you by your medical people?
MR. NUNLEY: Objection as to form.

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A. I may have, but more particularly, someone in my position would, you know, allow a scientist to do their job and digest the information, you know, and give me a layman's opinion thereof.
Q. Have you ever read any of the Surgeon General reports about the relationship between smoking and disease?
A. I have read parts of the Surgeon General's reports.
Q. And you disagree with the conclusions reached in at least those reports that refer to smoking causing certain diseases?
MR. NUNLEY: Objection as to form.
A. I said, I didn't know.
Q. In reading those reports, did you independently evaluate whether the reports reached the right conclusion or not?
MR. NUNLEY: Objection as to form and to the extent it calls for an expert opinion.
A. As someone who doesn't know the science, I didn't feel qualified to judge the science, per se. I don't know.
Q. Do you feel qualified to disagree with the scientific conclusions reached by the

Surgeon General of the United States?
MR. NUNLEY: Objection, same basis.
A. Basically, you know, I was told by, you know, advisors that there was -- at this point, there's causal relationship between smoking and disease and had not yet been proven, and that there was a -- but there was

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significant risk
factors related to -- related to smoking.
Q. And those significant risk factors are the development of some of the diseases you talked about?
MR. NUNLEY: Objection, misstates his testimony.
A. I'm sorry, could you repeat your question?
Q. Sure. In your last answer, you referred to significant risk factors related to smoking.
What did you mean by that?
A. That there had been statistics -- that there is statistical associations between -- between smoking and certain diseases, like lung cancer.
Q. With regard to the risk that we have talked about for some time now, the risk of contracting disease from smoking or that smoking is a risk factor for disease, do you regard that risk to be a reasonable risk for the ordinary consumer to run?
MR. NUNLEY: Objection, foundation.
A. I don't know what "reasonable risk" means, but what -- I think that, you know, people should know about the risks.
Q. You, yourself, accept the risk for yourself, don't you?
A. I know that there's -- that there is a statistical, you know, risk association between smoking and some disease; yes.
Q. In making personal life decisions for yourself, would you take an

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unreasonable risk?
MR. NUNLEY: Objection as to relevance.
A. "Reasonable" is often in the eyes of the beholder.
Q. I'm speaking of your eyes now, about yourself. I am not asking you to judge it for someone else, I'm talking about you, Mr. Campbell.

Would you, in assessing your own behavior and making life decisions for yourself, accept an unreasonable risk of contracting diseases of smoking?
MR. NUNLEY: Objection -- excuse me -- objection, vague, an incomplete hypothetical.
A. What I might consider an unreasonable risk, somebody else wouldn't consider an unreasonable risk, so it's not -- it's difficult to answer any questions like this.
Q. Have you thought personally whether you're at risk as a result of your smoking behavior?
A. I may or may not have.
Q. You don't know whether you've ever thought about that?
A. I probably have, but not -- may or may not have.
Q. If as president and CEO of Philip Morris during the years you held that post, you had been satisfied of a causal connection between smoking and disease, would you have come out publicly and said that to the American people?
MR. NUNLEY: Objection, incomplete

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hypothetical, calls for speculation.
A. I would have to know the context and I would have to talk to people in detail, may or may not, depending on, you know, what I learned, but I have to look at the circumstances.
Q. If as president and CEO, you had come to the conclusion that there was a causal relationship between smoking and disease, would you have undertaken a program to change the packaging of Philip Morris products and have it say, "Philip Morris believes cigarettes cause disease"?
MR. NUNLEY: Objection, incomplete hypothetical, calls for speculation.
A. I don't know. I would have to see the -- you know, I would have to know what the context and what the timing and circumstances were. I don't know, you know.
Q. While you were in Canada in the late '60s and early '70s, you had responsibilities there for the Canadian company of Philip Morris or certain brands, did you not?
A. I was quite junior in the marketing hierarchy and a salesman and some other things along the way, and a couple of years that I was in

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the beer business, so I was a very junior executive, but --
Q. An executive, nonetheless.
Was Benson & Hedges one of the

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brands?
A. I thought so -- whether they thought so --
Q. Was Benson & Hedges one of the brands?
A. Yes.
Q. And the warnings used in your home country --
MR. NUNLEY: Can I ask for clarification?
When you say "Was Benson & Hedges one of the brands," one of the brands of what?
MR. SILBERFELD: For which he had responsibility in 1967-1976 in Canada.
MR. NUNLEY: I think that mischaracterizes his testimony.
Q. All right. Let me ask you directly: Was Benson & Hedges one of the brands in Canada that you had some responsibility for in that seven-year period?
A. Very indirect responsibility, just

towards the end. I never, for instance, was the Benson & Hedges brand manager, those kind of jobs.
Q. You're a Canadian; that's your home country?
A. I'm a dual citizen.
Q. Okay.
A. Citizen of both countries.
Q. And you're aware, are you not, that the product labeling, the warnings on packages of cigarettes in Canada is different than it is in the United States?
MR. NUNLEY: Objection, vague without a time reference and lack of foundation.
A. I haven't been in the Canadian

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business for, you know -- as you know, twenty some years. I think they are different, but I wouldn't know in what nature they are different or anything any more. I really -- I had nothing to do with the labels very much in the early part of my career, and so I'm quite out of date, but I will try to entertain any questions you have.

Q. You're generally familiar with the fact there are warning labels on packages of Canadian cigarette packages?

A. Yes.

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Q. And they have language that is different than the language found on the American cigarette label?

MR. NUNLEY: Objection, foundation.

A. In recent history, I don't know that.

Q. Did Canadian cigarettes have warning labels when you were in Canada between '67 and '76?

A. Yes, and I can't remember, you know, whether the United States was first or Canada was first, and I don't remember the differences, but, yes, there were warning labels.

Q. Let me show you seven packages which I would like copies of marked next in order or we can mark the originals. I don't know what the -- let's mark them sequentially as the next seven in order, and then I will ask you some questions about these.

MR. NUNLEY: Just for the record -- I'm sorry -- you said "packages," you

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mean
23 photographs -- I'm sorry, those are packages.
24 You've got them --
25 MR. GORDON: Empty packages.

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1 MR. NUNLEY: Flattened out.
2 MR. SILBERFELD: Flattened out for
3 mailing purposes.
4 (Plaintiffs' Exhibits 2004-2010
5 were marked for identification.)
6 MR. NUNLEY: He is ready when you
7 are.
8 Q. Let me ask you to move those out of
9 your way and put those in front of you.
10 Mr. Campbell, you have before you
11 Exhibits 2004 through 2010, and let me represent
12 to you that these are packages without the
13 cigarettes, Canadian Benson & Hedges, and they
14 have different warnings on them.
15 Do you see those?
16 A. Yes.
17 Q. Do you recognize the language of
18 the warnings as being Canadian product label
19 warnings?
20 A. I don't -- I have never seen these
21 packs before.
22 Q. Are you generally familiar with the
23 wording of Canadian warnings on Canadian brand
24 cigarettes?
25 MR. NUNLEY: Objection as to form.

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1 A. No, I have been out of the
2 business, really, since 1994, and I wasn't

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3 involved in the Canadian business at all in the
4 '90s or '80s, and, in fact, Philip Morris doesn't
5 own the majority of the company that makes these,
6 so I don't -- I have no context at all. I don't
7 know where these came from.
8 Q. They are reasonably brief. Would
9 you be good enough to read into the record and the
10 number, each of the warnings?
11 MR. NUNLEY: Well, I would object.
12 They speak for themselves, and with the
13 technology, it will be picked up on the videotape.
14 MR. SILBERFELD: I'm just not sure
15 of that. That's the only reason for it. I don't
16 know what these pictures look like.
17 MR. NUNLEY: Mr. Gordon is
18 checking.
19 MR. GORDON: Can't read them at all.
20 VIDEOGRAPHER: Once they are on
21 full text, you can.
22 MR. SILBERFELD: It won't take
23 long. Take a moment and just read the ones -- and
24 the exhibit numbers.
25 MR. GORDON: Can't read them now.

1 MR. NUNLEY: Objection. They speak
2 for themselves, but you can certainly comply with
3 Mr. Silberfeld's request.
4 A. "Cigarettes Cause Smoke and Heart
5 Disease."
6 "Cigarettes Cause Cancer."
7 "Smoking Can Kill You."
8 "Tobacco Smoke Can Harm Your
9 Children."
10 "Cigarettes are Addictive."
11 "Cigarettes Cause Fatal Lung

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Disease."
"Smoking During Pregnancy Can Harm Your Baby."
Q. During the time that you were president and CEO of Philip Morris, did you ever consider changing the warning labels on American cigarettes to include the language of the exhibits before you as to any one of them?
A. I don't recall specifically. There were discussions about warnings, but the procedure between the two countries is different. Congress has jurisdiction in the United States. I don't know who has the jurisdiction in -- in Canada, so, we always talked about that we would comply

with -- with the law in the United States.
Q. We talked earlier about the word -- Surgeon General's warning on American cigarettes.
Is it your understanding during the time that you were at Philip Morris that Philip Morris was precluded from putting on a warning label of its own that said, "Philip Morris believes cigarettes cause cancer"?
MR. NUNLEY: Objection, foundation, and to the extent it calls for a legal opinion, it's improper.
A. I don't really know. I don't know whether we were precluded or not, just don't know.
Q. Did you ever consider doing that, putting on a warning label during the time that you were president that said "Philip Morris believes cigarettes cause disease"?
MR. NUNLEY: I believe

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that's been
asked and answered.
A. I don't think so.
Q. With regard to the statement that
cigarettes cause strokes and heart disease, do you
agree or disagree with that statement?
A. I don't know.
Q. You don't know whether you agree or

disagree?
A. I don't know whether the substance
of this is, you know -- I think, as I have
repeatedly said, I don't know whether it's been
proven -- or, you know, I don't believe that it's
been proven. I don't know whether cigarettes
cause strokes and heart disease at this time.
Q. Do you believe the statement that
cigarettes can kill you?
A. There isn't one of those, but --
Q. Which is -- I don't have them in
front of me.
A. It says smoking can kill you.
Q. Sorry. Do you believe the
statement "Smoking can kill you"?
A. I don't know. It may be true. It
hasn't -- it hasn't been proven to me. I don't
know.
Q. Do you believe the statement that
cigarettes are addictive?
MR. NUNLEY: Well, Mr. Silberfeld,
you're using the term "statement."
Are you asking him about the
warning? Are you asking him about his statement
independent of the warning and the package?

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MR. SILBERFELD: Talking about the statement on the warnings that's on the exhibits before him.

MR. NUNLEY: I object to this process of putting Canadian cigarette packets in front of the witness and asking him questions. There's been no foundation about the date of these things, so I don't think you've laid a foundation for the testimony. I think it's irrelevant.

MR. SILBERFELD: Go ahead.

A. I don't -- I don't know the context of the Canadian situation. I don't know when this, you know -- where these came from or when. I think that, you know, as I testified earlier, that I stand behind the testimony when I was in the industry that cigarette smoking was not addictive.

Q. Is there any aspect of cigarettes that is habit forming?

MR. NUNLEY: Objection. Without a time frame, it's vague and it calls for an expert opinion.

Q. Your opinion, the 28 years that you were at Philip Morris -- that's the time frame.

A. I don't -- I don't know what "habit

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forming" means and -- and I would need, you know, advice as to what it meant before I could answer it.

Q. Is there any aspect of smoking or smoking behavior that produces a

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dependence of any
kind?
MR. NUNLEY: Objection, vague and
calls for an expert opinion.
THE WITNESS: Would you repeat the
question? I'm sorry.
(Record read.)
MR. NUNLEY: Objection, vague and
calls for an expert opinion.
A. I don't know that.
Q. Have you ever thought about that,
whether smoking or any aspect of it produces
dependence in those who smoke?
A. I think I said earlier on that I
have a common sense -- many, many people have quit
smoking. I think the Surgeon General said it,
1988, 40 million smokers had quit, and 90 percent
of those had done it on their own, so it's in that
sense that some people do have difficulty quitting
smoking.
I don't know, you know, what that

means in a technical sense.
Q. So, is that your way of saying that
cigarette smoking doesn't produce a dependence; is
that your point?
MR. NUNLEY: Objection to the
characterization. The answer stands for itself.
A. I'm a little lost. I don't know
exactly what the phrase "dependence" means, but I
talked about my layman's understanding of
cigarette smoking and, you know, people's --
people's pursuit of smoking.
Q. From your understanding of smokers
in general over the 28 years you were with Philip
Morris, do you believe smokers, in

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general, have a
desire to quit smoking?
MR. NUNLEY: Objection, foundation,
speculation.
A. I don't know the exact statistics,
but many smokers from time to time would like to
quit; yes.
Q. And many try to quit and many
relapse or fail in their effort; true?
A. And many succeed.
Q. And some succeed; right?
A. Well, in fact, I think at this

time, there's probably more ex-smokers in the
United States than there are existing smokers, so
many succeed.
Q. Is it your impression that smokers
engage in any form of compulsive behavior?
MR. NUNLEY: Objection, vague.
A. I don't know what that phrase
means. I'm sorry.
Q. Do smokers spend time obtaining and
using cigarette products?
MR. NUNLEY: Objection, vague.
A. Do smokers spend time obtaining and
using --
Q. Tobacco products.
A. Tobacco products? They buy them
and they use them, I guess, yes.
Q. Do smokers, in your experience,
give up or reduce certain activities in favor of
smoking --
MR. NUNLEY: Objection, foundation.
MR. SILBERFELD -- or because of
smoking?
MR. NUNLEY: Excuse me. Objection,
foundation.
A. I don't -- I don't know

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referring to.
Q. Well, can you think of any example where a smoker, in order to have a cigarette, gives up some other activity or behavior?
MR. NUNLEY: Objection, vague, foundation.
A. Smokers choose to smoke, and that takes time. I don't know -- but I don't know, you know, what that means.
Q. Well, for example, you live in [DELETED]; right?
A. Yes.
Q. In New York City in January when it's cold outside, do you see smokers huddled outside of buildings smoking cigarettes, don't you?
A. I see smokers and nonsmokers outside, yes, but, sure.
Q. Well, generally speaking, smokers who work in smoke-free buildings have to go outside to smoke; right?
A. Yes.
Q. And in January when it's cold, they have to do that, nonetheless, outside; right?
A. Yes.
Q. That's an example, isn't it, of

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giving up an activity or reducing something you're doing in order to smoke; that is, you leave your place and you go outside and you smoke in January when it's cold in my hypothetical?
MR. NUNLEY: Objection -- excuse

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me -- vague, it's an incomplete hypothetical.
A. That's their behavior. I don't know what it means. They go down the elevator, they go out the door.
Q. I'm not suggesting it means anything. You've observed that phenomenon, haven't you?
A. People choose to do that, yes -- some people.
Q. And it's your observation, is it not, that smokers are well informed about the risks of smoking?
MR. NUNLEY: Objection, vague without a time frame.
MR. SILBERFELD: Twenty-eight years that you were at Philip Morris.
MR. NUNLEY: Objection, foundation.
A. I'm out of date, but I think that generally, people know the risks about smoking at

this stage because of things like the health warnings, and so on.
Q. So, to the extent that people continue to smoke, they do so in the face of the information that they have about risks and warnings, and so forth; right?
MR. NUNLEY: Objection, argumentative.
A. Smokers apparently enjoy smoking, yes.
Q. And they do so in the face of what you regard as the known risks?
A. You know, as we were discussing it earlier, there are many risks in people's lives, and some people choose to take them and some people don't. Smokers seem to enjoy

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smoking and
they take that risk, yes.
Q. Is nicotine, in your view -- not
asking for your expert opinion now, just your
understanding based upon being a long-time member
of the industry -- is nicotine a drug?
MR. NUNLEY: Objection, foundation.
A. I don't know what a drug is, but
what I -- I certainly -- you know, I associate

drug use with things like impairment, intoxication, those kinds of elements, and
therefore, in my common sense point of view, I
don't think that nicotine is a drug, but that's --
that's a layman's opinion.
Q. Nicotine affects, does it not, the
function of the human body?
MR. NUNLEY: Objection, foundation. Are you thinking or --
THE WITNESS: I don't know
what the status is. He grabbed another document,
and I didn't -- I was --
Q. Don't mind me, just answer my
question.
A. Would you repeat your question?
I'm sorry. I was -- you usually come right back,
so --
Q. Nicotine affects, does it not, the
function of the human body?
MR. NUNLEY: Objection, vague.
A. I believe -- and again, I'll use a
common sense layman's language -- I believe
that -- I don't know about nicotine in the -- that
occurs naturally in cigarette products, tobacco
products, that it has some effect on the central

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nervous system, like other things, like chocolate.
Q. Does nicotine, as you understand it, affect the structure of any aspect of the central nervous system?
MR. NUNLEY: Objection as to -- it's vague.
A. It's -- that's it. That's -- that's not within my knowledge base. I -- I don't know.
Q. Have you ever seen any document within Philip Morris while you were there that referred to smoking as a habit?
A. I may have. I know that the Surgeon General spoke about it as a habit, you know, but I don't know -- I may have in Philip Morris, I don't know. I certainly remember the Surgeon General talking about it.
Q. I'm talking about documents within Philip Morris.
A. Maybe, I don't know.
MR. NUNLEY: You mean a Philip Morris document, as opposed to a publicly available document that might be within Philip Morris?
MR. SILBERFELD: Correct.

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A. I don't know.
Q. Did you ever see any documents within Philip Morris while you were there that referred to nicotine in cigarettes as being addictive?
MR. NUNLEY: Same clarification

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or --
MR. SILBERFELD: Yes.
A. I don't think so.
Q. One of the things that you testified about before Congress was the subject of the control of nicotine in cigarettes.
Do you recall that general subject?
A. Yes.
Q. And I think your testimony was that Philip Morris did not control nicotine in cigarettes?
MR. NUNLEY: On that point, I think you need to be specific about his testimony, and I think that misstates it.
MR. SILBERFELD: Where is he stating it? If you could just find your statement, I think it's in there.
A. It's a public statement.
Q. Exhibit 2000. Take a look at the

fifth page of the document.
MR. NUNLEY: Seventy-seven?
MR. SILBERFELD: Yes.
MR. NUNLEY: Seventy-seven.
Q. "We don't independently control or manipulate nicotine"?
A. Yes.
MR. NUNLEY: Thank you for that clarification.
Q. Have you become aware in the period of time that you were president and CEO that work was done at Philip Morris in order to optimize nicotine deliveries in cigarettes?
MR. NUNLEY: Objection, states facts not in evidence.
A. I don't -- I don't know. I don't -- I don't recognize the phrase.
Q. Do you have an understanding that

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there are ranges of nicotine delivery that smokers require in order to get satisfaction from cigarettes?

MR. NUNLEY: Objection, foundation.

A. I -- I don't know that.

Q. Do you believe that the nicotine

delivery of cigarettes produces physiological effects in smokers, as distinguished from psychological effects?

A. I think, as I said earlier, I -- you know, I have used the phrase "central nervous system." I guess that's physiological, that, you know, nicotine as it naturally occurs in tobacco when smoked, I think it does have a central nervous system effect, as I said, similar to things like caffeine and chocolate.

Q. Let me show you what's been previously marked as Exhibit 102.

MR. NUNLEY: What was that marked?

MR. SILBERFELD: It's 2003.

MR. NUNLEY: Thank you. Obviously not while this document is pending, but just some time when it's convenient, if we could have one more break before we finish for the day --

MR. SILBERFELD: Sure.

Q. Have you had a chance to at least glance at it, Mr. Campbell?

A. Yes. I'll have to move in and out probably, but, yes, I have gone through it quickly.

Q. Exhibit 102 is a memo to Dr. Ellis; right --

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A. Right.
Q. -- from an individual named Gullotta, G-U-L-L-O-T-T-A, right?
A. Right.
Q. And do you speak French at all?
A. (Witness speaks French.)
MR. NUNLEY: For the record, it's Gullotta, Hayes and Martin. It speaks for itself.
Q. Gullotta, Hayes & Martin. Can you translate the subject line of the memo for us?
A. "Reason to be."
Q. And if I could direct your attention down to paragraph three, it says, "We have shown that there are optimal cigarette nicotine deliveries for producing the most favorable physiological and behavioral responses."
Do you see that, sir?
A. Yes, I do.
Q. Does that refresh your memory in any way that, in fact, in this time period, 1990, Philip Morris knew that there were optimal nicotine delivery ranges for cigarette products?
MR. NUNLEY: Objection, assumes

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facts not in evidence.
A. I have never seen this document and I have never -- I don't know -- you know -- I don't know where -- what number three means or in any context. I just don't know what this stands for.
Q. At any time that you were president and CEO, did you learn that there were differences

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between the behavioral and physiological effects of different forms of nicotine?

MR. NUNLEY: Objection, compound.

THE WITNESS: Will you repeat it?

MR. SILBERFELD: Sure.

Q. While you were CEO, did you learn at any time that different forms of nicotine had different physiological effects?

A. No, I don't believe so.

Q. Take a look at paragraph four and see if that refreshes your memory in any way.

A. No, I don't recognize that, either.

Q. Okay. In the course of your document gathering for the Congressional Committee after you testified, was Exhibit 102 one that you recall seeing, or is today the first time you have seen this?

A. This is the first time I have seen this.

MR. NUNLEY: Objection. I think the question mischaracterizes what's been testified to today.

MR. SILBERFELD: Let me mark as next in order a memorandum from Carolyn Levy to William I. Campbell, October 2, 1992, consists of two pages Bates numbered 2023012974 and 75.

(Plaintiffs' Exhibit 2011 was marked for identification.)

Q. I would like you to read this one to yourself, please.

MR. NUNLEY: Did you say this is 211?

THE COURT REPORTER: 2011.

MR. NUNLEY: Didn't

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catch those
packs -- sorry.
(Pause)
Q. Have you read it, sir?
A. Yes.
Q. With respect to Exhibit 2011, this
is a memorandum from Carolyn Levy to you --
A. It appears to be so, yes.
Q. -- dated October 2nd, 1992?

A. Right.
Q. And at that time, you were
president and CEO; right?
A. Yes.
Q. And who was Ms. Levy?
A. Ms. Levy is a management person in
the company. She may have been in something like
the business planning, long-range planning kind of
area at this time. I'm not sure.
Q. Do you recall the circumstances
surrounding the creation of this memo?
A. No, I don't.
Q. Apparently, the memo discusses,
does it not, smoking cessation technology and how
that might impact Philip Morris' business?
MR. NUNLEY: Objection. The
document speaks for itself.
A. I don't think it specifically says
that. I don't know what the purpose of the
document was, so I don't know.
Q. Well, was Philip Morris at some
point in time around this time period, October,
'92, interested in developing smoking cessation
technology?
A. I don't think so.

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Q. Was there a discussion within the company that you can recall about the impact of nicotine patches, gums, sprays, and so forth, on smoking and the sale of cigarettes?

MR. NUNLEY: Objection as to form. I'm not -- you mean, a discussion, topic of general discussion? I think just "a discussion" is vague.

MR. SILBERFELD: Okay.

A. There may have been some decisions. I don't recall, you know, serious ones.

Q. In the second to the last paragraph, second to the last line, it says, "The Lancet reported that this property suggests that they may have more dependence potential so that some smokers will merely substitute sprays and inhalers for cigarettes."

Do you see that, sir?

A. Sir, you've quoted the wrong paragraph.

MR. NUNLEY: He is on the front page.

A. I was in the second to the last paragraph overall, not --

MR. SILBERFELD: We'll take it up

after the break.

(Brief recess.)

Q. Mr. Campbell, just before the break, we were talking about Exhibit 2011, and I wanted to direct your attention to the second to the last paragraph on the first page.

It reads "Potentially more effective forms of nicotine substitution are nicotine nasal sprays and inhalers, since their

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patterns of nicotine absorption more closely resemble cigarette smoking."

Do you see that, sir?

A. Yes.

Q. It goes on, "The Lancet reported that this property suggested they may have more dependence potential so that some smokers will merely substitute sprays/inhalers for cigarettes."

Do you see that?

A. Yes.

Q. Does that refresh your memory that in 1992, there was a discussion with you about the dependence potential of nicotine?

A. I don't recall this memo, and I certainly don't recall the discussion about this. I don't know what "dependence potential" means.

Q. Did you ever ask Ms. Levy what she meant when she wrote that?

A. I don't recall.

Q. Have you ever used the word "dependence" to describe the effect of nicotine --

A. No.

Q. -- either in cigarettes or in any other product?

A. I don't believe so.

Q. Was there ever a concern within Philip Morris in 1992 that smokers would substitute nicotine sprays and inhalers for cigarette products?

MR. NUNLEY: Objection, foundation.

A. I don't recall hearing that.

Q. If that were to occur; namely, that smokers would substitute sprays for cigarettes, that would have a negative impact on Philip Morris' cigarette business, would it

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not?
MR. NUNLEY: Objection, incomplete
hypothetical, calls for speculation.
THE WITNESS: Would you repeat the
question?
(Record read.)

A. I don't know. It sounds like it
would, but can't -- I can't tell the context. As
I say, I don't recall this document or -- so
it's -- it's a -- just guessing.
Q. On the top of page 2, Ms. Levy
describes a "growing body of research
demonstrating nicotine's positive influences on
information processing and memory."
Do you see that, sir?
A. Yes.
Q. Do you recall a discussion at any
time with Ms. Levy while you were the president
and CEO about the positive influences of nicotine?
A. Not with Ms. Levy, no.
Q. With anyone?
A. I remember someone talking to me
about this Alzheimer's that's in the second part
of the sentence, that there was some research
being done at a university. That's the only part
that I remember.
Q. Do you remember who that was with?
A. Probably, Dr. Houghton, but maybe
not.
Q. That paragraph goes on that "These
findings," referring to the positive influences of

nicotine, "combined with the lack of evidence that

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nicotine is harmful in doses achieved through smoking suggest that nicotine substitution technologies may have wider marketplace applicability than solely as smoking cessation aids."

Does that refresh your memory as to whether or not Philip Morris was considering getting into the nicotine substitution technology business?

A. No, I don't recall that.

Q. Did you understand in 1992 when you got this memo from Ms. Levy that nicotine in doses achieved through smoking was not harmful?

A. I don't recall this memo. I can't recall that thought.

Q. Well, independent of the memo, was it your impression in 1992 that nicotine in doses delivered by cigarettes was not harmful?

MR. NUNLEY: Objection -- excuse me, Mr. Campbell. I'm sorry.

Objection, foundation.

A. I -- I don't recall participating in any discussion, so I don't -- I don't -- I don't know that. I don't recall that.

Q. At any time in your 28-year career with the company, did you ever form an opinion as to whether nicotine had any deleterious health effects having nothing to do with dependence or addiction for now, but --

A. I don't think I have a point of view -- had a point of view when I was at Philip Morris.

Q. Had you ever heard that nicotine has an effect on the heart rate of

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individuals?
A. Perhaps I heard that.
Q. Or blood pressure?
A. I don't know.
Q. You seem to think you may have heard about heart rate.
What have you heard about that in terms of nicotine effects?
MR. NUNLEY: Objection without a time frame.
MR. SILBERFELD: At any time.
A. I don't know. I think that -- that as I said, maybe part of the memory that I have of the central nervous system and, you know, the comparisons with caffeine and chocolate, I think those kinds of things may be due to increased

heart rate. I'm not sure.
Q. The next paragraph describes sort of a historical note, does it not, a transition from chewing tobacco to cigarette smoking?
Do you see that?
MR. NUNLEY: Excuse me. Object to the characterization, speaks for itself.
A. It points out that -- I can only read what it says, you know. It observes -- I don't know anything about the transition from chewing tobacco to cigarette smoking, and I don't recall -- I don't recall the memo, but I also don't recall ever hearing this theory.
Q. Well, it says in the first line of that second paragraph, "It is interesting to note that the factors which are affecting our business today are quite similar to those that preceded the transition from chewing tobacco to

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cigarette
smoking."
My question is: What are the factors as of 1992 that were affecting your business?
A. I don't know.
MR. NUNLEY: Objection. Are you asking independent of this document, or are you

asking what Ms. Levy is talking about?
Your question is vague. If you're going to leave it open, I would object on the basis of speculation.
A. I don't know what -- I don't know what the factors were in the -- with respect to chewing tobacco to cigarette smoking. I have no idea.
Q. Would you agree, sir, that as of this time, 1992, that cigarettes represented the predominant use of nicotine by Philip Morris?
MR. NUNLEY: Objection as to form.
A. Cigarettes represented the --
Q. Predominant use of nicotine by the company.
MR. NUNLEY: Same objection.
A. We used tobacco for our -- one of our largest products, cigarettes, and nicotine is naturally occurring in tobacco.
Q. Have you seen cigarettes referred to as "nicotine delivery devices"?
A. Not to my knowledge.
Q. You've never heard that phrase before?
A. I have heard the phrase, but not in

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any professional sense.
Q. Do you disagree with that characterization?
MR. NUNLEY: Objection, vague.
A. I believe that smokers smoke for a great many reasons, and, so, therefore, I would object to that characterization, yes.
Q. Do you disagree with it?
A. I don't have a scientific reason to -- to disagree with it, but as a common sense, I -- you know, smokers throughout my career have -- have -- you know, talked about the pleasures related to smoking, the taste related to smoking, those characteristics.
Q. The third paragraph, the first sentence reads, "This suggests," talking about the factors affecting the business -- "that at the very least, we should have," I'm sorry, "contingency plans for a change in the predominant form of nicotine usage."
Do you see that?
MR. NUNLEY: Objection as to the form of the question.
A. I see the sentence, yes.
Q. What does that refer to?

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A. Well, the -- I keep saying I don't recall this. I did say that Ms. Levy had at various times, you know, some long-range planning kinds of responsibilities, and I think this would seem to be an opinion that we should have contingency plans, as it says. I don't know what it means beyond that.
Q. The last sentence of

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that paragraph
refers to R&D projects underway to pursue some of these goals.
Do you see that?
A. Yes, I do.
Q. What R&D projects is she speaking of?
MR. NUNLEY: Objection, foundation.
A. It's not clear what the goals are, so I don't know exactly what she is referring to. I would be guessing.
Q. The sentence goes on to refer to a task force that has been given the responsibility of putting together a business plan for one product, which is nearly -- nearing, sorry, final prototype development.
Do you see that?

A. Yes, I do.
Q. What task force is she referring to?
A. I don't know. It's not clear. You know, we always have task forces going on. I would be guessing right here, you know.
Q. There's a prototype product mentioned in the last part of that sentence.
What product was that?
A. I don't know. We -- you know, there's prototypes in the research and development facility at all times for all kinds of different things, so that's why -- that's why I have been reluctant to guess.
Q. Was it a cigarette product?
MR. NUNLEY: Objection, speculation.
A. It certainly could be. I don't know.
Q. Was it an inhaler or a nasal spray

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product?
MR. NUNLEY: Same objection, speculation.
A. Not that I know of. I don't recall any of that.
Q. In terms of formulating a business

plan for a prototypical product, is that something that would occur without the knowledge of the executive branch, if you will, of the company?
A. No, it wouldn't in any kind of advanced stage. Maybe in an early stage, it would, but what I don't know is what she is referring to here, so that's -- I can't recall. Maybe I knew at the time, and that's why she doesn't -- she doesn't point it out. I don't know. I just don't know what she is referring to.
There would be advanced prototypical work, advanced business plans the senior executive would certainly be aware of.
Early stage plans, early stage product development, we would typically not constrain, I wouldn't know about or in any way be a part of.
Q. How about a product nearing final prototype development; is that something you would be aware of at the time that it was taking place?
A. We use -- when I was at Philip Morris, sometimes, prototypes were used in two different ways.

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One, something that was really quite close to being ready for -- to -- to go to market, and in other cases, we -- it would be referring to a conceptual prototype, and I don't know what this is, so that's what's difficult, and so, for instance, if it was conceptual, I might not know very much about it at all; if it was advanced, I would know more about it, likely.

Q. Let me turn back, if I may, to your statement before the Congress of the United States, Exhibit 2000.

On the second page of the document, four paragraphs from the bottom, your statement says, "Cigarette smoking is not addictive and Philip Morris has not hidden or suppressed research which indicates otherwise."

Do you see that statement?

A. Yes.

Q. Prior to making that statement, what investigation did you do to determine whether or not Philip Morris has at any time engaged in any activity which resulted in the suppression of research or information?

A. Well, as I -- as I discussed earlier this morning, you know, in a situation

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like this, you -- you have to practically rely on your -- you know, your functional experts, and we have a large research and development team, we have a -- we have a -- you know, in this area,

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research is typically published and, you know, go through -- it goes through -- often will go towards the patent attorneys, and things like that, so, you know, I was really given advice that this was the case, and I certainly -- I had never, you know -- with all my testimony, it was basically a combination of what I had seen or observed in my time in the company, which gave me a common sense view, plus what my experts told me, and that -- I had never seen any evidence in this direction personally, and my experts indicated that the statement was correct, as well.

Q. So, to the extent that a statement you made to the Congress is false in a material way, are you saying you're not responsible for that statement, sir?

MR. NUNLEY: Objection. Assumes facts not in evidence, mischaracterizes his testimony. It is argumentative, and frankly, offensive.

MR. SILBERFELD: You can answer the question.

THE WITNESS: I will have to have it repeated.

(Record read.)

MR. NUNLEY: Same objections.

A. I believe that, you know, I told you earlier today and throughout the day that I felt that I had, you know, made best efforts to make as good a testimony as I could under the circumstances.

Q. Can you answer my

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question?
MR. NUNLEY: I think he just did.
Q. Can you answer it with a yes or no, sir?
MR. NUNLEY: Objection. He has no obligation to answer it with a yes or no, and you know that.
A. I don't know that I can. There's -- there's difficult phrases in there like "material" for a layman, I don't know what that means, so if you want me to try, I'll listen again.
(Record read.)
MR. NUNLEY: Objection, same series of objections, asked and answered.

A. I was responsible under oath to give the testimony in the best way that I knew how, the most truthful and honest way that I could, and I believe that I did that.
Q. Are you familiar with a Philip Morris facility by the name of Inbifo, I-N-B-I-F-O?
A. I know the name, but I don't know the facility.
Q. Let me represent to you that it's a facility in Germany.
Does that help you at all remember?
A. I just know that it's in Europe.
Q. While you were president and CEO, was it the practice of Philip Morris to ship research over to Germany to be done at Inbifo so as to shield it from public view in the United States?
MR. NUNLEY: Objection, assumes facts not in evidence.

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A. I don't have any such knowledge.
Q. Was it the practice when documents came from Germany, the Inbifo facility to the United States facilities of Philip Morris, that they would not be kept here, but, instead, would

be shipped back?
A. I don't know of any such practice.
I just don't know -- never heard of such.
Q. Putting aside the regular and ordinary disposal or destruction of documents pursuant to some policy, while you were CEO and president of the company, would you condone the destruction of documents relative to research?
MR. NUNLEY: Objection to form, but you can answer.
A. It's difficult for me to say. Superficially, I would say no, but I would have to know the circumstances and the consequences and the context, and I just don't know.
Q. As a matter of routine while you were president and CEO, was it ordinary and customary for mail to be sent to the home addresses of your employees, as opposed to the business addresses?
A. I don't know of such a practice.
Q. I'm sorry?
A. I don't know of such a practice. I don't know one way or the other.
Q. And was it while you were president and CEO part of the ordinary and customary

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business of Philip Morris, not only to have mail sent to people's homes, but to have them destroy the mail at home so that there would be no business record of it at the office?

MR. NUNLEY: Objection, assumes facts not in evidence.

A. I haven't heard of any.

Q. You don't know anything about that?

A. No.

Q. Have you seen any evidence in any Philip Morris documents that suggests that the Inbifo facility in Germany was a locale where things might be done that the company was reluctant to do in the United States?

A. I don't recall that.

Q. Was it part of the business practice of Philip Morris with respect to the Inbifo facility to take great pains to eliminate any written contact between the U.S. facilities of the company and the Inbifo facility in Germany?

MR. NUNLEY: Objection, assumes facts not in evidence.

A. I don't really have any in-depth knowledge of the practice as related to the various research facilities that's not in my

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direct domain.

Q. Would it be part of the normal and ordinary business practice of Philip Morris while you were president and CEO to set up dummy addresses for the receipt of mail?

MR. NUNLEY: Objection, assumes facts not in evidence.

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A. I don't know of such thing.
Q. I'm sorry?
A. I don't know of such a thing.
MR. SILBERFELD: That's all the questions I have. Thank you.
MR. NUNLEY: Why don't we take a break and let me see if I'm going to have any questions.
MR. GORDON: If you do, how long -- can we finish today, I guess is the question?
MR. NUNLEY: Yeah, I think we can finish today, no question.
Do you have a flight you're trying to make?
We are off the record.
(Deposition recessed at approximately 5:00 o'clock p.m.)
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C E R T I F I C A T E

I, Sue A. Terry, RPR/CRR, hereby certify that I am qualified as a verbatim shorthand reporter; that I took in stenographic shorthand the testimony of WILLIAM I. CAMPBELL at the time and place aforesaid; and that the foregoing transcript is a true and correct, full and complete transcription of said shorthand notes, to the best of my ability.

Dated at New York, New York, this 12th day of September, 1997.

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SUE A. TERRY, RPR/CRR

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C O N F I D E N T I A L

I N D E X

EXHIBITS	DESCRIPTION	MARKED
C ampbell 2000	Document, Bates Numbers 2023861873 to 1883, Subcommittee Testimony of William I. Campbell Transcript	49
Campbell 2001	Document, Bates ATX03 0277064 to ATX93 0277218, Subcommittee Hearing Transcript	63
Campbell 2002	Document, Bates 2045060177-203, Viability of the Marlboro Man report	104
Campbell 2003	Document, Bates 2041855058-295, Marlboro Brand Audit	111
C ampbell 2004-10	Empty Canadian Cigarette Packages	160
Campbell 2011	Document, Letter Dated 10-2-92, Bates 2023012974	179

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